To: Susan Bodine[bodine.susan@epa.gov]
Sent: Wed 10/2/2019 3:01:17 PM (UTC)
Subject: FW: SEP Ex. 5 AC/DP
Ex. 7(A) Summary 09 21 19 rak rev.docx

Susan,

Ex. 5 AC/AWP/DP

Hopefully, the revised fact sheet can be easily substituted.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Appointment

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 4/29/2019 3:32:57 PM
To: karen.dworkin@usdoj.gov; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; bruce.gelber@usdoj.gov
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Snow, Corinne (ENRD) [Corinne.Snow@usdoj.gov]; Mariani, Tom (ENRD) [Tom.Mariani@usdoj.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]

Subject: SEP discussion on Monday
Location: call-in number

Start: 4/29/2019 9:00:00 PM
End: 4/29/2019 10:00:00 PM
Show Time As: Busy

Recurrence: (none)

Conference Code/ Ex. 6

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, April 29, 2019 9:21 AM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Cc: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Snow, Corinne (ENRD) <CSnow@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: SEP discussion on Monday

That works. Will you send out a calendar invite?

Sent from my iPhone

> On Apr 29, 2019, at 8:35 AM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:
>
> Larry - yes, 5 works best for us if you can arrange it.
>
> Let's talk Ex. 7(A) n the call.
>
> Sent from my iPhone
>
>> On Apr 28, 2019, at 5:17 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>>
>> Bruce,
>>
>> We have a conflict at 5 pm, but might be able to move it. Let me know if I should try.
>>

Ex. 5 AC/DP

>> Larry
>>
>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>
>> -----Original Message-----
>> From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
>> Sent: Sunday, April 28, 2019 3:19 PM
>> To: karen.dworkin@usdoj.gov; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
>> Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>; Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
>> Subject: Re: SEP discussion on Monday
>>
>> Karen - how about if we move the call to 5 pm. Would that help?
>>
>> Larry - will that work for you?
>>

Ex. 5 AC/DP

>>
>> Adding Nat to this email
>>
>> Sent from my iPhone
>>
>>> On Apr 26, 2019, at 7:33 AM, Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV> wrote:
>>>

Nonresponsive discussion of personal matters - Ex. 6 Personal Privacy (PP)

>>>
>>> -----Original Message-----
>>> From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
>>> Sent: Thursday, April 25, 2019 4:42 PM
>>> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
>>> Cc: Snow, Corinne (ENRD) <CSnow@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
>>> Subject: Re: Do you have time to talk this afternoon
>>>
>>> That works for me.
>>>
>>> Karen, Corinne, Tom - does that work for you?
>>>
>>> Sent from my iPhone
>>>
>>>> On Apr 25, 2019, at 4:12 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>>>>
>>>> Bruce,
>>>>

Ex. 7(A)

>>>>
>>>> Larry
>>>>
>>>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>>>
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
>>>> Sent: Thursday, April 25, 2019 12:56 PM
>>>> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
>>>> Subject: Do you have time to talk this afternoon
>>>>
>>>> Anytime after 2
>>>>

Ex. 7(A)

>>>>
>>>> Sent from my iPhone

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Tue 8/20/2019 5:03:09 PM (UTC)
Subject: FW: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf
ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf
ENRD State and Local SEP Memo Public 8 21 19.pdf

Ex. 5 (DP, AC, AWP)/ Ex. 7a

-----Original Message-----
From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Sent: Tuesday, August 20, 2019 11:07 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: bruce.gelber@usdoj.gov
Subject: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

Susan,

Ex. 5 AC/AWP/DP

Ex. 6 Personal Privacy (PP)

Jeff

U.S. Department of Justice

Environment and Natural Resources Division

Assistant Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Telephone (202) 514-2701

TO: ENRD Deputy Assistant Attorney Generals and Chiefs of the Environmental Enforcement, Environmental Defense, Environmental Crimes, Natural Resources, and Wildlife & Marine Resources Sections

CC: Chiefs of All Remaining ENRD Sections

FROM: Jeffrey Bossert Clark, Assistant Attorney General

SUBJECT: Using Supplemental Environmental Projects ("SEPs") in Settlements with State and Local Governments

DATE: August 21, 2019

In November 2018, the Attorney General announced a new policy governing civil consent decrees and settlement agreements with state and local governments.[1] Among other things, the Attorney General directed that consent decrees "must not be used to achieve general policy goals or to extract greater or different relief from the defendant than could be obtained through agency enforcement authority or by litigating the matter to judgment." Nov. 2018 Memo at 5. The Policy was structured in part to ensure that the authority to determine state and local policy goals remains with democratically accountable state and local institutions. *Id.* at 2-3. Our understanding from the Associate's Office is that the converse is also true: namely, a related goal of the Policy was to avoid encouraging state and local governments to use federal consent decrees to circumvent any legal constraints they may face when they engage in new undertakings, such as the need to pass new legislation, issue new municipal ordinances, or obtain requisite funding.

This Policy has important implications for the use of Supplemental Environmental Projects ("SEPs") in settlements with state and local governments because, by definition, SEPs are projects agreed to in settlements that *go beyond* what is required under federal, state, or local laws. *See* U.S. Environmental Protection Agency Supplemental Environmental Projects Policy 2015 Update,

[1] *See* Memorandum from the Attorney General, Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities (Nov. 7, 2018) ("Nov. 2018 Memo" or "Policy"), *available at* https://www.justice.gov/opa/press-release/file/1109621/download. Although the Deputy Attorney General or Associate Attorney General may grant exceptions to the Policy's substantive requirements, any exceptions are not intended to swamp the rule.

at 6 (Mar. 10, 2015) ("2015 SEP Policy").[2] Because SEPs exceed what is required by law, proposed consent decrees and settlements containing them are generally precluded by Section III.C.5 of the Policy, absent approval of an exception under Section III.C.

Nevertheless, it has been argued that SEPs categorically should be exempted from this Policy because Congress allegedly (and implicitly) approved of their use in America's Water Infrastructure Act of 2018, P.L. 115-270, 132 Stat. 3765, which amended the Clean Water Act to authorize municipalities operating sewer and stormwater systems to undertake an integrated-planning process to streamline Clean Water Act compliance obligations. It also has been argued that the Policy itself excludes SEPs from its substantive requirements because EPA will agree to them in its non-judicial administrative settlements.

For the reasons explained herein, these arguments that SEPs should be exempted from the November 2018 Policy are unpersuasive. Especially in light of the statutes referenced in Background Section A, for a congressional enactment to be read as endorsing SEPs, Congress' intent to delegate its exclusive constitutional power of the purse needs to be clearly and unmistakably expressed. And, as explained below, America's Water Infrastructure Act of 2018 does not demonstrate a clear intent to authorize SEPs in enforcement actions involving municipal sewers. Nor do the terms of the Policy itself exclude SEPs from the Policy's substantive requirements. SEPs involving state and local government defendants therefore unambiguously fall within the core of the Attorney General's November 2018 Policy, and are precluded, absent the granting of an exception based on other considerations.

BACKGROUND

A. Legislation protecting Congress' exclusive power of the purse: the Miscellaneous Receipts and Anti-Deficiency Acts

Violations of federal environmental laws such as the Clean Water Act often result in the assessment of monetary penalties in enforcement actions against the violator. The Clean Water Act itself does not specify where monetary penalties are to be paid (except for penalties received under Section 311 that flow into the Oil Liability Trust fund). But several courts have held that monetary penalties received for Clean Water Act violations must be deposited in the United States Treasury as miscellaneous receipts. *See, e.g., Public Interest Research Group of New Jersey v. Powell Duffryn Terminals, Inc.*, 913 F.2d 64, 82 (3d Cir. 1990) (collecting cases).[3] Once

[2] https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf ("SEPs are projects or activities that *go beyond* what could legally be required in order for the defendant to return to compliance, and secure environmental and/or public health benefits in addition to those achieved by compliance with applicable laws.") (emphasis added). Although a precursor policy was first issued in 1984, EPA first issued its SEP policy in 1991. The policy was substantially revised in 1995 (interim revised policy) and 1998 (final revised policy), and last revised in 2015.

[3] Legislative history is to the same effect. *See* S. Rep. No. 92–414, 92d Cong., 2d Sess. (1972), *reprinted in* 1972 U.S.C.C.A.N. 3668, 3745, 1971 WL 11307 ("any penalties imposed would be deposited as miscellaneous receipts and not be recovered by the complainant.").

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deposited, the Constitution gives Congress the exclusive authority in the first instance to determine whether and how to spend the monies. *See* Article I, Section 8, Clause 1 (Taxing and Spending Clause); Article I, Section 9, Clause 7 (Appropriations Clause).

To protect its constitutional power of the purse against intrusion from the Executive Branch, Congress has enacted statutes such as the Miscellaneous Receipts Act and Anti-Deficiency Act. *See generally* Todd David Peterson, *Protecting The Appropriations Power: Why Congress Should Care About Settlements at the Department of Justice*, 2009 B.Y.U. L. REV. 327, 332-52 (2009) (explaining how prior attempts to evade Congress' appropriations authority led Congress to enact the Miscellaneous Receipts Act and the Anti-Deficiency Act).[4] The Miscellaneous Receipts Act provides that government officials "receiving money for the Government from any source shall deposit the money in the Treasury." 31 U.S.C. § 3302(b). The Anti-Deficiency Act prohibits government officials from expending funds (or incurring financial obligations) in excess of appropriations. *See* 31 U.S.C. § 1341.

B. Office of Legal Counsel Opinion on the Effect of 31 U.S.C. § 484 on the Settlement Authority of the Attorney General

The Attorney General has broad discretion when settling litigation, including the discretion to agree to settlement terms which a court would not have the power to order.[5] In exercising this broad authority, the Attorney General will in many instances defer to the policy judgments of the client agency.[6] But, of course, the Attorney General's settlement authority must be exercised consistent with any restrictions imposed by Congress or the Constitution.[7]

In 1980, the Office of Legal Counsel (OLC) issued an opinion concluding that a proposed settlement in *In re Complaint of Steuart Transportation Co.* (E.D. Va. No. 76-697-N), violated 31 U.S.C. § 484, which (as a predecessor statute to the Miscellaneous Receipts Act) required all money received for the use of the United States be deposited in the Treasury.[8] OLC opined that the requirements of § 484 must be broadly applied, noting that the Government Accountability

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[4] Mr. Peterson was an official in the Clinton Administration's OLC. Since the Clinton-era OLC is the one that first began to greenlight SEPs (in effect), Mr. Peterson was apparently a dissenter from that view.

[5] *See The Attorney General's Role as Chief Litigator for the United States,* 6 Op. O.L.C. 47, 59-60 (1982), *available at* https://www.justice.gov/sites/default/files/olc/opinions/1982/01/31/op-olc-v006-p0047.pdf.

[6] *Id.* at 55.

[7] *See Authority of the United States to Enter Settlements Limiting the Future Exercise of Executive Branch Discretion*, 23 Op. O.L.C. at 136, 140 (1999), *available at* https://www.justice.gov/file/19516/download.

[8] *See Effect of 31 U.S.C. § 484 on the Settlement Authority of the Attorney General*, 4B Op. O.L.C 684, 684-85 (1980), *available at* https://www.justice.gov/olc/opinions?f%5B0%5D=field_opinion_post_date%3A1980&f%5B1%5D=field_opinion_post_date%3A1980-06.

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Office (GAO) finds exceptions to the application of that statute "only when supported by a clear expression of congressional intent." *Id.* at 686-87.

Under the terms of the proposed settlement in *Steuart,* the state and federal governments would share entitlement to damages for the death of waterfowl, which would be donated by the defendant to a waterfowl organization. *Id.* at 685. In its opinion, OLC offered theories for defending the settlement as proposed, including a theory that under the terms of the proposed settlement no money was received. *Id.* at 687. But OLC rejected the no-money-received theory, finding it insufficient to override the legislative mandate of § 484, stating that "the fact that no cash actually touches the palm of a federal official is irrelevant for purposes of § 484, if a federal agency could have accepted possession and retains discretion to direct the use of the money." *Id.* at 688. OLC concluded that "money available to the United States and directed to another recipient is constructively 'received' for the purposes of § 484." *Id.* OLC therefore concluded the statute barred the proposed settlement. *Id.*

C. Supplemental Environmental Projects (SEPs)

Most federal actions for failure to comply with the Nation's environmental laws, including the Clean Water Act, are resolved through settlement agreements or consent decrees. Those settlements or decrees usually stipulate the amount of the penalty. The United States Environmental Protection Agency ("EPA") and DOJ determine the amount they are willing to settle for by considering several factors, including whether the alleged violator has agreed to perform SEPs. *See* 2015 SEP Policy at 21-24. Under EPA's SEP Policy, an alleged violator will generally (all other things being equal) pay a lower civil penalty than it would otherwise pay by voluntarily (as part of a settlement) agreeing to undertake an environmentally beneficial project that is closely related to the violation being resolved, but goes beyond what is required under federal, state, or local laws. *Id.* at 21.

EPA's use of SEPs to reduce what it would otherwise demand in negotiations as a monetary penalty to the government (and disputes over the device's propriety) is long-running. In 1992, the GAO concluded that some SEPs were unlawful because they had no nexus to the violation at issue, and instead allowed the agency to carry out the agency's other statutory goals, thereby permitting the agency to improperly augment its appropriations for these other purposes, in circumvention of the congressional appropriations process. *See* Peterson, *supra*, at 352-54. Following GAO's opinion, until the issuance of EPA's final revised SEP policy in 1998, EPA worked with ENRD and OLC to impose several limitations on SEPs with the intention of avoiding clashes with the Appropriations Clause and the Miscellaneous Receipts Act. *Id.* at 354-57. These limitations include requirements that any SEP have a nexus to the violation at issue, but not be otherwise required by law. EPA's self-imposed limitations also include specific restrictions against augmenting appropriations and a prohibition on EPA managing or controlling any funds. *See* 2015 SEP Policy at 7-11. (But note the conceptual similarity to the no-money-received theory that OLC rejected in 1980.) EPA also does not allow cash donations to third-party groups of the type found inappropriate in the 1980 OLC opinion. *See* 2015 SEP Policy at 17.

Despite these limitations, SEPs remain controversial. In 2017, the United States House of Representatives passed the Stop Settlement Slush Funds Act. *See* H.R. 732, 115th Cong., 1st Sess.

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(2017). No similar bill passed the United States Senate. While the bill did not become law, it would have prohibited government officials from entering into settlements that provide for payments or loans to persons other than the United States, except for payments that directly remedy the actual harm caused by the violation at issue (e.g., restitution). *See* H.R. Rep. 115-72, at 2 (2017), 2017 WL 1185293. The House Committee Report summarizes the legal disputes underlying SEPs, which both the majority and dissenting members contemplated could fall within the bill's prohibition on third-party payments. *Id.* at 5-6, 37-44. The dissenting members described SEPs as beneficial projects that the bill would jeopardize if in-kind payments such as those in SEPs were interpreted as "payments." *Id.* at 37-44. On the other hand, the majority described SEPs as Miscellaneous Receipts Act circumvention devices, *id.* at 5-6, and rejected amendments to the bill that would have exempted SEP-like provisions in settlements addressing indirect harms from violations of certain environmental laws, *id.* at 14-15.[9] One failed amendment to the bill would have authorized CWA-side SEPs and another failed amendment would have authorized CAA-side SEPs. *See id.*

D. 2018 Clean Water Act Amendments: Integrated Plans

Entities subject to monetary penalties under the Clean Water Act include municipalities and other local governmental entities that own and operate wastewater treatment plants and sewer systems. To avoid monetary penalties, these entities must comply with numerous requirements from distinct provisions of the Act, which in totality can have tremendous impacts on municipal operations and the community's financial health. To address these concerns, EPA, in 2012, adopted a policy that allows municipalities to design an "integrated plan," allowing municipalities to collect up all applicable requirements in one place and to prioritize them in a manner that seeks to maximize the environmental benefit from the available resources.[10]

In the portion of the integrated planning policy discussing enforcement actions against municipalities for noncompliance with the Act, the EPA 2012 Policy notes that "[a]ll or part of an integrated plan may be able to be incorporated into the remedy of a federal or State enforcement action." EPA 2012 Policy at 7. This includes "[e]nvironmentally beneficial projects that are

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[9] In June 2017, the Attorney General announced a policy that, by its terms, largely tracks the Stop Settlement Slush Funds Act by prohibiting third-party payments or loans in settlements to non-governmental entities. *See* https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-ends-third-party-settlement-practice. The use of SEPs in settlements must be consistent with the Attorney General's June 2017 policy, as well as the Division's January 2018 memorandum on "Settlement Payments to Third Parties in ENRD cases." *See* https://www.justice.gov/enrd/page/file/1043726/download. I am considering revocation of (or revisions to) the January 2018 memorandum to make it more closely adhere to the November 2018 Policy and its connection to the legislative aims of the Stop Settlement Slush Funds bill. Revisions may include a clarification that the prohibition in the Attorney General's 2017 policy on "payments" to third parties includes in-kind payments such as those in SEPs.

[10] *See* EPA Memorandum on Integrated Municipal Stormwater and Wastewater Planning Approach Framework (June 5, 2012) ("EPA 2012 Policy"), *available at* https://www3.epa.gov/npdes/pubs/integrated_planning_framework.pdf.

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identified in an integrated plan and which the municipality is not otherwise legally required to perform" as long as the project is "consistent with EPA's Supplemental Environmental Projects Policy." *Id.*

While integrated planning was intended to assist municipalities in reducing their economic burdens, many communities were not able to take advantage of the integrated planning process because of a lack (actual or perceived) of statutory authorization for EPA to use the process. Thus, in 2018, Congress enacted America's Water Infrastructure Act ("2018 Clean Water Act amendments"), which, among other things, added Sections 309(h) and 402(s) to the Clean Water Act to authorize the use of the integrated planning process. *See* 33 U.S.C. § 1319 (Section 309), and § 1342 (Section 402). The President signed the amendments into law on January 4, 2019.

The new law defines an integrated plan as a plan developed under EPA's 2012 Policy. *See* 33 U.S.C. § 1342(s)(1). In general, the law requires that each municipality be informed by their federal or state permitting authority that it has the opportunity to develop an integrated plan that can be incorporated into its Clean Water Act permit. *See id.* § 1342(s)(2). The new law also allows integrated plans to be developed by municipalities in enforcement actions, and municipalities that develop integrated plans can request that their enforcement orders or decrees be modified based on the provisions in the integrated plans. *See* 33 U.S.C. § 1319(h).

DISCUSSION

The use of SEPs in consent decrees with state and local governments contravenes the prohibition on using consent decrees to "extract greater or different relief from [a state or local government] than could be obtained through agency enforcement authority or by litigating the matter to judgment." *See* Nov. 2018 Memo at 5. By definition, a SEP goes beyond what is required under federal, state, or local laws, *see* 2015 SEP Policy at 6, and thus exceeds what could be obtained through agency enforcement authority or by litigating a matter to judgment. A clearer example of a form of relief that falls within the prohibition in the November 2018 Policy is difficult to imagine.

I. The 2018 Clean Water Act amendments do not justify creating an exception for SEPs in enforcement actions against state or local governments.

There is an argument that Congress, when it enacted the 2018 Clean Water Act amendments, approved the use of SEPs when DOJ and EPA settle enforcement actions. As the argument goes, because the new law defines an integrated plan with reference to the EPA 2012 Policy and one provision of that policy states that SEPs included in an integrated plan may be incorporated into an enforcement-action remedy, Congress intended to allow the use of SEPs in enforcement actions.

Initially, it should be noted that, at most, the 2018 amendments would authorize only SEPs in the limited context of an enforcement action involving a municipal sewer. It would not authorize the use of SEPs in consent decrees with state and local governments for other purposes. But even in the limited context of municipal sewer systems, the argument that Congress authorized the use of SEPs in enforcement actions is unpersuasive.

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SEPs are debated devices that many members of Congress and academic commentators view as mechanisms for sidestepping the power of the purse. *See* H.R. Rep. 115-72, at 5-6. As discussed below, the language of the 2018 Clean Water Act amendments is far from clear. Any claim that these amendments somehow address SEPs must be supported by a clear statement from Congress, for two reasons. First, SEPs can be seen as implicating Congress' constitutional power over appropriations. Under this view, congressional enactments should not be viewed as authorizing the use of SEPs to reduce the monetary penalties that might otherwise flow into the fisc unless there is a clear statement of Congress' intent to do so.[11] Furthermore, a reading of the 2018 Clean Water Act amendments that somehow overrides the November 2018 Policy would intrude on the authority of the Attorney General to control and resolve litigation. Although Congress can constrain this authority, it should again be expected to speak clearly if it is attempting to do so.

While the first instance of the clear statement rule was handed down to guide interpretation of statutes that significantly alter the "'usual constitutional balance between the States and the Federal Government,'" *Gregory v. Ashcroft*, 501 U.S. 452, 460-61 (1991) (quoting *Atascadero State Hosp. v. Scanlon*, 473 U.S. 234, 242 (1985)), the rule also has been applied to statutes that significantly alter the constitutional balance between Congress and the Executive. *See, e.g., Armstrong v. Bush*, 924 F.2d 282, 289 (D.C. Cir. 1991). The need for a clear statement of congressional intent to protect the power of the purse is especially apparent in view of the Miscellaneous Receipts Act and the Anti-Deficiency Act—two statutes that Congress found it necessary to enact because of past attempts to dilute the legislature's exclusive appropriations power.[12] Indeed, OLC has noted that GAO also finds exceptions to Miscellaneous Receipts Act "only when supported by a clear expression of congressional intent." 4B Op. O.L.C at 686-87. Thus, if Congress wishes to delegate its power of the purse, it must make its intention to do so 'unmistakably clear in the language of the statute.'" *Gregory*, 501 U.S. at 460-61 (quoting *Atascadero State Hosp.*, 473 U.S. at 242); *see also Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Eng'rs*, 531 U.S. 159, 172-73 (2001) (applying a clear statement rule to assess the propriety of an administrative interpretation of the Clean Water Act invoking the outer limits of Congress' Commerce Clause powers, because it would have altered the traditional federal-state balance of powers over land and water use).

A similar, but somewhat distinct basis for this conclusion is that Congress is not understood

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[11] For example, clear statements to use funds to continue the construction of border barriers by the Department of Homeland Security exist in (among other places) the: (1) Treasury Forfeiture Fund (31 U.S.C. § 9705); (2) Department of Defense's counter-drug support authority (10 U.S.C. § 284); and (3) authority to reallocate funding from military construction projects, made available through the President's clear authority to issue a national emergency declaration (10 U.S.C. § 2808).

[12] The application of the clear statement rule is also appropriate as a tool to test the argument that the 2018 Clean Water Act amendments effectively exempt SEPs in municipal-sewer settlements from the application of a broad-based Department of Justice policy intended to preserve the constitutional state-federal balance and prevent efforts that would effectively allow States or localities to skirt their own limited grants of authority from their legislatures or ordinance-making bodies.

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to intrude on the authority of the Attorney General to control settlements in the absence of a clear statement. Only "explicit statements" by Congress will be construed to constrain the Attorney General's broad control over settlements. *See* 6 Op. O.L.C. at 60. "In general . . . limits on the Attorney General's presumptively broad settlement power must take the form of clear statutory directives in order to be effective." *See* 23 Op. O.L.C. at 140. Thus, the 2018 Clean Water Act amendments should not be construed to intrude on the Attorney General's authority to impose limitations and restrictions on Departmental settlements through the November 2018 Policy in the absence of a clear statement in those amendments evincing such an intent.

The 2018 Clean Water Act amendments do not provide a clear statement. In fact, the amendments do not refer to SEPs at all. While the law references EPA's 2012 Policy on integrated planning, that policy is not about SEPs *per se*, but about integrated plans. The 2012 Policy primarily discusses the principles underlying integrated plans and describes their elements. *See* EPA 2012 Policy at 2-6. The EPA 2012 Policy contains only one reference to SEPs and does not discuss them in detail. *Id.* at 7. Instead, that policy includes only a hyperlink in a footnote to an outdated version of EPA's SEP Policy. *Id.* at 7 n.4 (linking to the 1998 version of EPA's SEP policy).

Without a clearer statement from Congress, it is untenable to conclude that Congress intended in the 2018 Clean Water Act amendments to authorize the use of SEPs in enforcement actions uniquely involving municipal sewers (and it especially cannot be inferred that Congress intended to adopt the 2015 EPA SEP policy, which did not exist at the time of the 2012 EPA memo on integrated planning that the 2018 Clean Water Act amendments reference). In other words, Congress does not "hide elephants in mouseholes." *Gonzales v. Oregon*, 546 U.S. 243, 267 (2006) (internal citation and quotation omitted). If Congress had intended to authorize the use of controversial miscellaneous-receipt-circumvention devices such as SEPs (the elephant), it would not have done so without mentioning SEPs by name. Instead, two layers removed from the statute, Congress merely referred to an integrated planning policy (the first mousehole) that does not discuss SEPs, but simply refers to another policy discussing them (the mousehole within a mousehole). It would therefore be inappropriate to use this legislation to create an exception to the unambiguous directive of the Attorney General prohibiting consent decrees that extract relief from a municipality that could not be obtained by litigating the matter to judgment.

II. The 2018 Clean Water Act amendments do not authorize retroactive permit amendments.

Even assuming *arguendo* that Congress intended to approve of the use of SEPs in some fashion involving municipal sewer matters, it did so only in situations where the municipality already has an integrated plan and permit that includes SEPs at the time of a violation. The Clean Water Act amendments do not authorize EPA to amend a violator's permit retroactively for the purpose of including SEPs in the permit so the SEPs can thereby be included in a consent decree (as some have argued). At best, as a textual matter, the 2018 amendments authorize EPA to include SEPs from an approved integrated plan in a municipality's *permit*, 33 U.S.C. § 1342(s)(2), and if so included, the SEPs can be incorporated into consent decree *modifications*, *id.* § 1319(h).

"The starting point for [the] interpretation of a statute is always its language." *Community*

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for Creative Non–Violence v. Reid, 490 U.S. 730, 739 (1989); *see also Williams v. Taylor*, 529 U.S. 420, 431 (2000) ("We start, as always, with the language of the statute."). The newly added Section 402(s) states, in relevant part:

> **(s) Integrated plans**
>
> **(1) Definition of integrated plan**
>
> In this subsection, the term "integrated plan" means a plan developed in accordance with the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.
>
> **(2) In general**
>
> The Administrator (or a State, in the case of a permit program approved by the Administrator) shall inform municipalities of the opportunity to develop an integrated plan that may be incorporated into a permit under this section.

33 U.S.C. § 1342(s)(2).

And the newly added Section 309(h) reads as follows:

> **(h) Implementation of integrated plans**
>
> **(1) In general**
>
> In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan, as defined in section 1342(s) of this title.
>
> **(2) Modification**
>
> Any municipality under an administrative order under subsection (a) or settlement agreement (including a judicial consent decree) under subsection (b) that has developed an integrated plan consistent with section 1342(s) of this title may request a modification of the administrative order or settlement agreement based on that integrated plan.

33 U.S.C. § 1319(h).

As the above text demonstrates, the statutory provisions instruct EPA to inform municipalities of the "opportunity to develop an integrated plan that may be incorporated into a permit," *id.* § 1342(s)(2), either before a violation under Section 402(s)(2) or after a violation in

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the context of an enforcement action under Section 309(h)(1). If a municipality, however, has not developed an integrated plan that contains SEPs to include in its permit or consent decree modification, then the 2018 Clean Water Act amendments do not authorize the SEPs.

If during the course of an enforcement action a municipality develops a plan with SEPs to include in its permit, then Section 309(h)(2) provides the city with the opportunity to "request a modification of the administrative order or settlement agreement based on that integrated plan." *Id.* § 1319(h). At best, this would allow the use of SEPs in consent decrees for new violations going forward. This prospective interpretation might be seen as harmonizing the provisions of the 2018 Clean Water Act amendments with the Miscellaneous Receipts Act. *See Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 666 (2007) (interpreting statutes to produce the harmonious result). But such an interpretation remains hypothetical at the moment and how it would surmount the hurdles of the applicable clear statement rules (i.e., as to delegations of Congress' appropriations or disturbances of the Attorney General's settlement powers) would need to be analyzed in the future if the necessary steps under Section 309(h)(2) are followed.

Taking the argument an additional step, one might also argue that this "request a modification" language—in combination with the language in Section 309(h)(1) allowing municipalities the opportunity to develop an integrated plan "[i]n conjunction with an enforcement action"—authorizes EPA to *retroactively amend* the permit to include a municipality's proposed SEPs in a consent decree resolving the enforcement action for its past violations. Not so.

While SEPs included in an integrated plan that is developed in an enforcement action may be relevant to new violations going forward, the newly added SEPs cannot retroactively alter the permitting regime against which any current violations based on the legal *status quo ante* are assessed. Section 309(h)(2) allows modifications of consent decrees based on newly developed integrated plans, but it would be a mistake to view those modifications as allowing a reduction in penalties for a violation of the original permit, at least not without yet another type of clear statement from Congress. "Retroactivity is not favored in the law." *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988). It is therefore presumed that agencies do not have the authority to promulgate retroactive rules unless that power is conveyed by Congress in express terms. *Id.*[13] In the same light and consistent with the clear statement rule expressed above, it should be presumed that agencies do not have authority to retroactively amend a permitting regime in a

[13] In APA terms a "permit" is a "license," 5 U.S.C. § 551(8) and licenses are "orders," *id.* § 551(6). Furthermore, agency processes for the formulation of orders are "adjudications." *Id.* § 551(7). And adjudications, of course, are typically understood to have retrospective effect. *See, e.g., Harper v. Virginia Dep't of Taxation*, 509 U.S. 86, 94 (1993). But licenses are a unique form of adjudications and licenses inherently have *prospective effect*. Unless and until one receives a driver's license, for instance, one cannot lawfully drive. *See also* BLACK'S LAW DICTIONARY (10th ed. 2014) (emphasis added) (defining "license" as "**1.** A privilege granted by a state or city upon the payment of a fee, the recipient of the privilege *then being authorized to do some act or series of acts that would otherwise be impermissible* .... **2.** A permission, usu. revocable, to commit some act that would otherwise be unlawful ... [for example, a permit for] hunting game." To complete the analogy, an 18 year-old first receiving a driver's license would not, upon receipt of that authorization, find any violations for illegally driving back when the minor was age 13 expunged.

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manner that does not authorize the underlying offending conduct. This is especially true where retroactive permit amendment can be seen as diverting funds from the United States Treasury without congressional authorization. As discussed above, Congress has not spoken clearly on any of these issues.

III. SEPs cannot be extracted through agency enforcement authority and thus fall within the substantive requirements of the November 2018 Policy.

As mentioned, the November 2018 Policy, among other things, prohibits consent decrees that "extract greater or different relief from the defendant than could be obtained through agency enforcement authority or by litigating the matter to judgment." *See* Nov. 2018 Memo. at 5. It has recently been argued that this language excludes SEPs from the Policy because SEPs allegedly are part of EPA's "agency enforcement authority." This argument is flawed.

First, this argument misunderstands that the term "agency" as used in the Policy refers to the Department of Justice, and not to outside agencies such as EPA. By its terms, the Policy is an internal document only "directed at Department components and employees." Nov. 2018 Memo at 2 n.3. Thus, "agency enforcement authority" is referring to authority over matters of civil law where the Department is the civil enforcement agency, which is the case, for instance, in antitrust matters. *See, e.g.*, 15 U.S.C. § 1311(e) (under the Antitrust Civil Process Act the "term 'antitrust investigator' means any attorney or investigator employed by the Department of Justice who is charged with the duty of enforcing or carrying into effect any antitrust law").

Even if the term "agency" in this provision pertained to outside agencies such as EPA, such a revelation still would not mean that SEPs fall outside the terms of the November 2018 Policy. EPA lacks the enforcement authority to extract a SEP from a defendant in any setting. This is true whether that setting is an administrative or a judicial one. The term "extract" typically indicates that something is forcibly taken "by much effort from someone unwilling." *See Extract*, MERRIAM-WEBSTER DICTIONARY ONLINE (2019).[14] But SEPs are defined as *voluntary* projects that "go beyond what could be legally required" under the law. *See* 2015 SEP Policy at 1, 6. By design, SEPs exceed the relief that EPA forcibly could extract from an unwilling defendant through its enforcement authority. Moreover, the phrase "could be obtained through agency action" must be read *in pari materia* with the subsequent phrase "by litigating the matter to judgment" to refer to relief that can be achieved directly through final adjudication of an administrative action. The phrase "could be obtained through agency action" does not cover relief that can be procured only indirectly through settlement. SEPs therefore fall within the terms of the November 2018 Policy.

Finally, particularly in light of the important public policy considerations underlying the Policy discussed in the subsequent section of this document, it is untenable to read the "agency enforcement provision" of the November 2018 Policy as permitting a consent decree to extract relief from a state or local government that otherwise has no basis in federal, state, or local law. If an outside agency cannot extract the sought-after relief in an administrative proceeding against a state or local government, then the Department cannot extract such relief in a consent decree either.

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[14] *Available at* https://www.merriam-webster.com/dictionary/extract.

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IV. Sound public policy generally favors disapproving of SEPs in cases against governmental entities, pending my broader review of the SEP Policy.

The Attorney General's November 2018 Policy promotes respect for local democratic processes, ensuring that local officials are held accountable for using local taxpayer funds on otherwise unrequired projects, without clear authorization in state or municipal law to do so. If state or local officials want certain projects undertaken in their communities, they should seek authorization through local democratic processes rather than by acquiescing in a consent decree with a federal agency that is supervised by a federal court.[15] SEPs could intrude on state and local accountability, by allowing the Executive Branch to commit state and local taxpayers to funding projects that are not otherwise required by their laws. They also give oversight of these voluntary projects to a federal court, and subject SEP violations to the contempt power. There also is the potential that state or local officials could commit to projects that are contrary to the express or implied will of the state or local legislative branches, respectively.

On the other hand, it has been argued that SEPs do not deprive elected representatives of the people control of their government, because SEPs are discrete projects representing a small component of any overall settlement in terms of duration, dollar amounts and scope of work. It also has been argued that SEPs are an important enforcement tool in settlements with governmental entities that are highly resistant to paying penalties; that the inability to do SEPs may well impede settlements; and that SEPs are highly favored by the localities that are the subject of the enforcement action, because they result in lower penalties and bring benefits to the local community. I also recognize that before the Attorney General announced the November 2018 Policy significant effort was expended negotiating for SEPs in settlements and consent decrees.

Taking these competing concerns into consideration, and pending my broader review of the SEP policy, SEPs in cases against governmental entities should be subject to close, case-by-case scrutiny if EPA wishes to pursue an exception to the Section III.C.5 restriction under the November 2018 Policy in any particular situation. SEPs for which approval will be sought in this interim period should comport with the following limitations, in addition to those currently in the Attorney General's November 2018 Policy, the Attorney General's 2017 policy on payments to third parties, and existing SEP and all other policies:

1. The SEPs must be discrete projects representing a small component of the overall settlement in terms of duration, dollars and scope of work.

2. The SEPs should be included only as a matter of last resort. For SEPs negotiated *before* the issuance of the November 2018 Policy, any memorandum requesting authorization of a settlement that includes SEPs must demonstrate that the previously negotiated SEPs cannot be removed from the nearly completed agreement without jeopardizing

[15] This also ensures that, if such a state law were to pass authorizing the project that a SEP would otherwise embrace, such enactments would in many instances not be enforceable in federal court (absent diversity jurisdiction and waiver of Eleventh Amendment immunity) but only in the courts of the applicable state sovereign. *Cf. Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 106 (1984) ("it is difficult to think of a greater intrusion on state sovereignty than when a federal court instructs state officials on how to conform their conduct to state law.").

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the agreement or harming the interests of the United States. For SEPs negotiated *after* issuance of the November 2018 Policy, any memorandum requesting authorization of a settlement that includes SEPs must demonstrate that the settlement would not be possible without the inclusion of SEPs.

3. The SEPs should provide broad benefits to the community, and not individuals.

4. The governmental defendant should certify that the SEPs do not violate any direct or implied restriction imposed by local, state or federal law.

Even if the proposed SEPs satisfy these limitations, there is no guarantee that I will recommend approval of a settlement with a state or local government that includes SEPs to other officials in the Department. SEPs easily fall within the plain terms of the prohibition set out in Section C.III.5 of the Policy. Although I will attempt to remain open to approving of SEPs in some situations pending my broader review of SEPs (with due consideration given to SEPs negotiated before the November 2018 Policy was announced), exceptions to the Policy are meant to be rare because of the important considerations underlying the Policy which are intended to achieve the appropriate constitutional balance between federal and state governments and ensure accountability at all levels of government.

Further, limiting the use of SEPs in consent decrees promotes respect for the constitutional balance between Congress and the Executive. SEPs can be seen as challenging the congressional power of the purse by, in essence, redirecting funds from the United States Treasury in exchange for projects that Congress has not approved. Perhaps if asked, Congress would authorize funds for diesel emission reduction projects, to take one example. *See* 42 U.S.C. § 16138 (authorizing EPA to accept diesel emissions reduction SEPs). But Congress may also prefer to spend those funds on, say, a new aircraft carrier or on ending the opioid epidemic. Absent a clearly expressed intention from Congress to delegate money-redirection authority to the Executive Branch, *see supra* n.11, Congress' wishes should be respected.

The bottom line is that Congress has not expressly authorized the use of SEPs, either generally or specifically, in Clean Water Act enforcement actions against municipalities operating sewer systems. In the absence of congressional approval, there are compelling legal and policy reasons militating against the use of SEPs in settlements or consent decrees with state and local governments. There is therefore no reason to create a broad exemption from the Attorney General's unambiguous November 2018 Policy for SEPs.[16]

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[16] ENRD can make two simple points to explain the policy announced herein: (1) declining to negotiate for SEPs merely leaves Congress' prerogatives to decide how to spend money contained in the fisc undisturbed; and (2) if Congress wants to delegate to the Executive Branch the power to negotiate for and settle for SEPs, it can do so as long as (a) it provides a clear statement of its intent to do so, and (b) it specifies the standard "intelligible principle" necessary to guide Executive action under a delegation of congressional power. *See Whitman v. Am. Trucking Associations*, 531 U.S. 457, 472 (2001).

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To: Mirza, Sabah[Mirza.Sabah@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Buterbaugh, Kristin[Buterbaugh.Kristin@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Zimny, James[zimny.james@epa.gov]; Rae, Sarah[Rae.Sarah@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Grisby, Erin[grisby.erin@epa.gov]; Ziegel, Dean[Ziegel.Dean@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 8/16/2019 2:58:09 PM (UTC)
Subject: RE: Follow-up items from OCE weekly 8/15/19
PLAW-114publ322 WIIN Act.pdf
Memorandum regarding SEPs in Settlements with State and Local Governments (August 9, 2019).pdf
BILLS-115s3021enr. Americas Water Infrastructure Act 2018.pdf
dieselepslegislation-memotoregions.pdf

On SEP strategy meeting,

Ex. 5 AC/DP

Susan

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Thursday, August 15, 2019 5:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Grisby, Erin <grisby.erin@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/15/19

Hi all,

Here are the follow-up items from today's OCE meeting:

1. Ex. 5 AC, AWP / Ex. 7(A)
2.
3.
4. Set up EPA SEP Strategy Meeting

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
~~~~~~~~~~~~~~~~~~~~~~

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, August 8, 2019 11:37 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/8/19

Hi all,

Here are the follow-up items from today's OCE meeting:

1.
2.
3. **Ex. 5 AC, AWP / Ex. 7(A)**
4. XPS: Send Patrick North Dakota materials
5. XPS: Send Patrick Oil and Gas Policy to Patrick

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Wednesday, July 31, 2019 1:45 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: Follow-up items from OCE weekly 7/31/19

Hi all,
~~~~~~~~~~~~~~~~~~~~~~

Here are the follow-up items from today's OCE meeting:

1. Ex. 5 AC, AWP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 25, 2019 5:03 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Miles, James <miles.james@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Follow-up items from OCE weekly 7/25/19

Hi all,

Here are the follow-up items from the OCE meeting today:

1. Ex. 5 AC, AWP / Ex. 7(A)
2.

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 11, 2019 3:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Follow-up items from OEC weekly 7/11/19

Hi all,

Here are the follow-up items from the OCE meeting today:

1. Include Cecil in WED's briefing for Susan on Ex. 7(A)

1. OCE will provide a one pager on Ex. 7(A)

2. Ex. 7(A) Rosemarie will call Dore and inform Susan

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176
~~~~~~~~~~~~~~~~~~~~~~

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]
From: Mariani, Tom (ENRD)[Tom.Mariani@usdoj.gov]
Sent: Fri 8/9/2019 5:27:00 PM (UTC)
Subject: RE: InsideEPA Response

Ex. 5 AC/DP

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, August 9, 2019 12:48 PM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: InsideEPA Response

Ex. 5 AC/DP

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Sent: Friday, August 09, 2019 12:30 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; bruce.gelber@usdoj.gov
Subject: RE: InsideEPA Response

Hello, Larry.

Ex. 5 AC/DP

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, August 9, 2019 11:49 AM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Subject: FW: InsideEPA Response

Bruce/Tom,

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
Begin forwarded message:

From: "Hull, George" <Hull.George@epa.gov>
Date: August 8, 2019 at 12:52:55 PM EDT
To: "Bodine, Susan" <bodine.susan@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Egan, Patrick" <egan.patrick@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>
Cc: "Koslow, Karin" <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Ex. 5 AC/DP

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
Cc: Porter, Amy[Porter.Amy@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Thur 8/8/2019 10:30:13 PM (UTC)
Subject: RE: InsideEPA Response

Ex. 5 Deliberative Process (DP)

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, August 08, 2019 6:13 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Fwd: InsideEPA Response

Ex. 5 Deliberative Process (DP)

Sent from my iPhone
Begin forwarded message:

From: "Hull, George" <Hull.George@epa.gov>
Date: August 8, 2019 at 12:52:55 PM EDT
To: "Bodine, Susan" <bodine.susan@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Egan, Patrick" <egan.patrick@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>
Cc: "Koslow, Karin" <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 12:26 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

OK

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, August 8, 2019 12:22 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Susan,

Ex. 5 Deliberative Process (DP)

Cc'ing Karin to see if OCE has any concerns with the wording.

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 11:56 AM
To: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: InsideEPA Response

My redraft. Any comments? Also needs coordination with DOJ.

Ex. 5 Deliberative Process (DP)

From: Egan, Patrick <egan.patrick@epa.gov>

Sent: Thursday, August 8, 2019 11:01 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: InsideEPA Response

Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,
Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Traylor, Patrick[traylor.patrick@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Hull, George[Hull.George@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]
Cc: Porter, Amy[Porter.Amy@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Thur 8/8/2019 6:04:27 PM (UTC)
Subject: RE: InsideEPA Response - needs additional edits

Under the circumstances, and apparent time frames, good point and fair enough!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Traylor, Patrick <traylor.patrick@epa.gov>
Sent: Thursday, August 08, 2019 1:54 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Hull, George <Hull.George@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: InsideEPA Response - needs additional edits

Ex. 5 Deliberative Process (DP)

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Ex. 6 (m)
202.564.5238 (o)

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Thursday, August 8, 2019 1:39 PM
To: Hull, George <Hull.George@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: InsideEPA Response - needs additional edits

Ex. 5 Deliberative Process (DP)

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6
WJC South Room 3142D

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, August 08, 2019 1:25 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Ex. 5 Deliberative Process (DP)

From: Hull, George
Sent: Thursday, August 08, 2019 12:53 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Ex. 5 Deliberative Process (DP)

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Sent: Thursday, August 08, 2019 12:26 PM
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Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

OK

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, August 8, 2019 12:22 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Susan,

Ex. 5 Deliberative Process (DP)

Cc'ing Karin to see if OCE has any concerns with the wording.

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 11:56 AM
To: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: InsideEPA Response

My redraft. Any comments? Also needs coordination with DOJ.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Egan, Patrick <egan.patrick@epa.gov>
Sent: Thursday, August 8, 2019 11:01 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: InsideEPA Response

Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,

Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Koslow, Karin[Koslow.Karin@epa.gov]; Hull, George[Hull.George@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]
Cc: Porter, Amy[Porter.Amy@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Thur 8/8/2019 5:52:41 PM (UTC)
Subject: RE: InsideEPA Response - needs additional edits

Ex. 5 AC/DP

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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To: Hull, George <Hull.George@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: InsideEPA Response - needs additional edits

Ex. 5 Deliberative Process (DP)

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6
WJC South Room 3142D

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, August 08, 2019 1:25 PM
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Subject: RE: InsideEPA Response

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Subject: RE: InsideEPA Response

OK

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Sent: Thursday, August 8, 2019 12:22 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Susan,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Cc'ing Karin to see if OCE has any concerns with the wording.

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 11:56 AM
To: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: InsideEPA Response

My redraft. Any comments? Also needs coordination with DOJ.

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Sent: Thursday, August 8, 2019 11:01 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: InsideEPA Response

Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,

Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Hull, George[Hull.George@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]
From: Traylor, Patrick[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]
Sent: Thur 8/8/2019 4:56:40 PM (UTC)
Subject: RE: InsideEPA Response

Press deadline was noon . . . .

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
202.809.8796 (m)
Ex. 6 (o)

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, August 8, 2019 12:53 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

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Subject: RE: InsideEPA Response

Susan,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Cc'ing Karin to see if OCE has any concerns with the wording.

Larry

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Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: InsideEPA Response

My redraft. Any comments? Also needs coordination with DOJ.

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Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,

Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Thur 8/8/2019 4:54:49 PM (UTC)
Subject: RE: InsideEPA Response

Ex. 5 Deliberative Process (DP)

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, August 08, 2019 12:42 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: InsideEPA Response

Caroline - see below for the latest. Still OK?

Larry
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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 12:26 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

OK

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Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Susan,

Ex. 5 Deliberative Process (DP)

Cc'ing Karin to see if OCE has any concerns with the wording.

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Subject: RE: InsideEPA Response

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Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,

Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Thur 8/8/2019 4:32:53 PM (UTC)
Subject: Re: InsideEPA Response

From three of us (John is out of pocket): this seems like a good rewrite. One small typo— adding an -ly to "according." FYI, per an inquiry I just got from Andrew Stewart, "possible new restrictions on SEPs" seem to be a topic being discussed at at least one recent conference. He wanted to know if there was any news that could be shared. (Have not yet responded at all)

Sent from my iPhone

On Aug 8, 2019, at 12:04 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Any quick thoughts on this response to reporters asking about changes to the SEP policy?

Larry
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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 11:56 AM
To: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: InsideEPA Response

My redraft. Any comments? Also needs coordination with DOJ.

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Cc: Hull, George <Hull.George@epa.gov>
Subject: InsideEPA Response

Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,

Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: Egan, Patrick[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A8AF6E75E84A463A935E3A70BA72D043-PEGAN]
Sent: Thur 8/8/2019 12:13:20 PM (UTC)
Subject: FW: enforcement-related question

Susan, Larry and Patrick,

We received an inquiry below from InsideEPA asking whether there is a new SEP policy. Please let us know how you would like to respond.

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, August 7, 2019 6:19 PM
To: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Cc: Labbe, Ken <Labbe.Ken@epa.gov>
Subject: FW: enforcement-related question

Hi George and Patrick,

Can you please let me know how you would like to respond to the below?

Thanks!

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6

Begin forwarded message:

> **Resent-From:** <Press@epa.gov>
> **From:** Dawn Reeves <dreeves@iwpnews.com>
> **Date:** August 7, 2019 at 5:35:19 PM EDT
> **To:** Press <Press@epa.gov>
> **Subject: enforcement-related question**
>
> Hi,
> It's Dawn Reeves at Inside EPA wondering if there is a new enforcement policy against SEPs b/c I am being told by industry attorneys negotiating settlements that they are now being told the SEPs in their settlements are no longer going to be approved by DOJ even if they comply with EPA's SEP policy, as DOJ requires.
> DOJ says they are complying with all memoranda and declined to say if there is a document dated after January 2018 that articulated the SEP exception here
> https://www.justice.gov/enrd/page/file/1043726/download

My deadline is noon tomorrow if you can provide me any info or put me on the phone with someone in OECA, that would be great.
Thanks!
Dawn

To: Bodine, Susan[bodine.susan@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Traylor, Patrick[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]
Sent: Fri 8/2/2019 7:19:14 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo
Senatr Report Legislation to Authorize EPA Administrator to Accept Diesel Reduction SEPs.pdf

The attached Senate Report accompanying S.2146 specifically and favorably discusses some CAA SEPs (Toyota, DaimlerChrysler, and ADM—the AEP project was a mitigation project, not a SEP).

Phill found this while working on another issue.

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
202.809.8796 (m)
202.564.5238 (o)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, July 30, 2019 4:22 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Subject: FW: Draft SEPs State/Local Memo

From: Bodine, Susan
Sent: Tuesday, July 30, 2019 10:25 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Ex. 5 AC/AWP/DP See attached. Comments welcome.

Susan

From: Starfield, Lawrence
Sent: Monday, July 15, 2019 8:27 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL

Rosemarie,

Let's do the best we can.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Lots to discuss.

Larry

Sent from my iPhone
On Jul 15, 2019, at 7:40 AM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

> Larry -
>
> Given that Caroline Makepeace is out through next Friday and John is tied up with Ex. 7(A) for the next couple of days (and Amy is out until Thursday), Karin and I will talk this morning about how we will develop a response and when we can get it done.
>
> Rosemarie
>
> Rosemarie Kelley, Director
> Office of Civil Enforcement
> OECA

From: Fogarty, Johnpc
Sent: Monday, July 15, 2019 7:24:32 AM
To: Starfield, Lawrence
Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
Subject: Re: Draft SEPs State/Local Memo

I'm in all day negotiations today and tomorrow Ex. 7(A) and won't have a chance to look at this until mid-week, unfortunately.

Sent from my iPhone
On Jul 14, 2019, at 6:48 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Here is Jeff Clark's draft memo on SEPs. I haven't read it yet, but wanted to get it to you ASAP. Please let Susan and I know what you think and what next steps you recommend. I read it tonight or in the morning.
>
> Thanks.
>
> Larry
>
> ---
>
> **From:** Bodine, Susan
> **Sent:** Sunday, July 14, 2019 6:06 PM
> **To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
> **Subject:** Fwd: Draft SEPs State/Local Memo
>
> Sent from my iPad
> Begin forwarded message:
>
> > **From:** "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>

Date: July 14, 2019 at 4:38:27 PM EDT
To: "bodine.susan@epa.gov" <bodine.susan@epa.gov>
Cc: "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Subject: Draft SEPs State/Local Memo

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

To: Porter, Amy[Porter.Amy@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Wed 7/31/2019 9:48:46 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo

Hi All,

Ex. 6 Personal Privacy (PP)

Ex. 5 AC/DP

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Wednesday, July 31, 2019 10:57 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Larry –

I'd like to talk about timing. Ex. 6 Personal Privacy (PP) Ex. 5 AC/DP

Ex. 5 AC/DP

Thank you
Amy

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, July 31, 2019 10:54 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

Ex. 5 AC/DP

Sent from my iPhone
On Jul 31, 2019, at 10:15 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ex. 5 AC/DP

Larry

From: Fogarty, Johnpc
Sent: Wednesday, July 31, 2019 8:26 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Ex. 5 Deliberative Process (DP)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Tuesday, July 30, 2019 5:30 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Susan,

Ex. 5 AC/DP

Larry
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From: Bodine, Susan
Sent: Tuesday, July 30, 2019 10:25 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Ex. 5 AC/DP

Susan

From: Starfield, Lawrence
Sent: Monday, July 15, 2019 8:27 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL

Rosemarie,

Let's do the best we can.

Ex. 5 AC/DP

Sent from my iPhone
On Jul 15, 2019, at 7:40 AM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

> Larry -
>
> Given that Caroline Makepeace is out through next Friday and John is tied up with Ex. 7(A) for the next couple of days (and Amy is out until Thursday), Karin and I will talk this morning about how we will develop a response and when we can get it done.
>
> Rosemarie
>
> Rosemarie Kelley, Director
> Office of Civil Enforcement
> OECA

From: Fogarty, Johnpc
Sent: Monday, July 15, 2019 7:24:32 AM
To: Starfield, Lawrence
Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
Subject: Re: Draft SEPs State/Local Memo

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> Here is Jeff Clark's draft memo on SEPs. I haven't read it yet, but wanted to get it to you ASAP. Please let Susan and I know what you think and what next steps you recommend. I read it tonight or in the morning.

Thanks.

Larry

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Sent: Sunday, July 14, 2019 6:06 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Fwd: Draft SEPs State/Local Memo

Sent from my iPad
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> **Date:** July 14, 2019 at 4:38:27 PM EDT
> **To:** "bodine.susan@epa.gov" <bodine.susan@epa.gov>
> **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
> **Subject: Draft SEPs State/Local Memo**
>
> Susan, please see the attached.
>
> **Ex. 5 Attorney Client (AC)**
>
> Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Buterbaugh, Kristin[Buterbaugh.Kristin@epa.gov]
From: Porter, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: Wed 7/31/2019 5:03:05 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo
SEP memo to Claire w LS comments 7 30 19 AP.docx

Larry –

Three new edits added to the attached and explained below – for your consideration.

1. (From Caroline, referring to page three):

Ex. 5 AC / DP / Ex. 7(A)

3. (From John from email below, referring to bottom of page one):

Ex. 5 AC / DP / Ex. 7(A)

Please let me know if any questions.
Thanks
Amy
564-2431

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, July 31, 2019 10:54 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
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Ex. 5 AC/DP

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Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
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Subject: RE: Draft SEPs State/Local Memo

Susan,

Ex. 5 AC/DP I had a few editorial suggestions for the group's consideration.

Larry
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Subject: RE: Draft SEPs State/Local Memo

Ex. 5 AC/AWP/DP See attached. Comments welcome.

Susan

From: Starfield, Lawrence
Sent: Monday, July 15, 2019 8:27 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL

Rosemarie,

Let's do the best we can.

Ex. 5 AC / DP / Ex. 7(A)

Lots to discuss.

Larry

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>
> Given that Caroline Makepeace is out through next Friday and John is tied up with Ex. 7(A) for the next couple of days (and Amy is out until Thursday), Karin and I will talk this morning about how we will develop a response and when we can get it done.
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> Rosemarie
>
> Rosemarie Kelley, Director
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> OECA

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Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
Subject: Re: Draft SEPs State/Local Memo

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Cc: "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Subject: Draft SEPs State/Local Memo

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

Ex. 5 AC/DP

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Sun 7/14/2019 10:05:39 PM (UTC)
Subject: Fwd: Draft SEPs State/Local Memo
ENRD State and Local SEP Memo External Draft 1.docx
ATT00001.htm

Let's read before forwarding to our folks

Sent from my iPad

Begin forwarded message:

From: "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
Date: July 14, 2019 at 4:38:27 PM EDT
To: "bodine.susan@epa.gov" <bodine.susan@epa.gov>
Cc: "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Subject: Draft SEPs State/Local Memo

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Wed 6/26/2019 10:13:23 PM (UTC)
Subject: RE: Ex. 7(A) SEP/CD Update

Ex. 5 AC / AWP / Ex. 7(A)

Thanks

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, June 26, 2019 5:04 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Fwd: Ex. 7(A) SEP/CD Update

PRIVILEGED AND CONFIDENTIAL

Bruce,

Ex. 5 AC / AWP / Ex. 7(A)

Larry

Sent from my iPhone
Begin forwarded message:

> **From:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Date:** June 26, 2019 at 2:29:40 PM EDT
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject: Fwd:** Ex. 7(A) **SEP/CD Update**
>
> Sent from my iPhone
> Begin forwarded message:
>
> > **From:** "Armor, Suzanne" <Armor.Suzanne@epa.gov>
> > **Date:** June 26, 2019 at 2:24:02 PM EDT
> > **To:** "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Gordon, Scott" <Gordon.Scott@epa.gov>, "Bush, William" <Bush.William@epa.gov>, "Bragan, Mary Jo" <Bragan.Maryjo@epa.gov>, "Chavez, Araceli" <Chavez.Araceli@epa.gov>, "Elliott, Richard" <Elliott.Richard@epa.gov>, "Sayre, Dennis" <Sayre.Dennis@epa.gov>
> > **Subject:** Ex. 7(A) **SEP/CD Update**
> >
> > ATTORNEY WORK PRODUCT
> > ATTORNEY-CLIENT COMMUNICATION

Ex. 5 DP / AC / AWP / Ex. 7(A)

Please let me know if you have any questions or concerns.

Thank you,
Suzanne

SUZANNE K. ARMOR | ATTORNEY-ADVISOR
United States Environmental Protection Agency
Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

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To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Wed[illegible]:41:35 PM (UTC)
Subject: RE: Ex. 7(A) SEP/CD Update

Ex. 5 AC / AWP / Ex. 7(A)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, June 26, 2019 5:04 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Fwd: Ex. 7(A) SEP/CD Update

PRIVILEGED AND CONFIDENTIAL

Bruce,

Ex. 5 AC / AWP / Ex. 7(A)

Larry

Sent from my iPhone
Begin forwarded message:

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> **Date:** June 26, 2019 at 2:29:40 PM EDT
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject: Fwd:** Ex. 7(A) **SEP/CD Update**
>
> Sent from my iPhone
> Begin forwarded message:
>
> > **From:** "Armor, Suzanne" <Armor.Suzanne@epa.gov>
> > **Date:** June 26, 2019 at 2:24:02 PM EDT
> > **To:** "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Gordon, Scott" <Gordon.Scott@epa.gov>, "Bush, William" <Bush.William@epa.gov>, "Bragan, Mary Jo" <Bragan.Maryjo@epa.gov>, "Chavez, Araceli" <Chavez.Araceli@epa.gov>, "Elliott, Richard" <Elliott.Richard@epa.gov>, "Sayre, Dennis" <Sayre.Dennis@epa.gov>
> > **Subject:** Ex. 7(A) **SEP/CD Update**
> >
> > ATTORNEY WORK PRODUCT
> > ATTORNEY-CLIENT COMMUNICATION
> > CUI/LES
> > DO NOT RELEASE UNDER FOIA OR IN DISCOVERY

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Please let me know if you have any questions or concerns.

Thank you,
Suzanne

SUZANNE K. ARMOR | ATTORNEY-ADVISOR
United States Environmental Protection Agency
Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

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To: Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
Cc: Rubini, Suzanne[Rubini.Suzanne@epa.gov]; Hicks, Matt[Hicks.Matthew@epa.gov]
From: Palmer, Leif[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D43408D25CF047A8B43AEC713A5EE837-PALMER, LEIF]
Sent: Wed 6/26/2019 6:46:41 PM (UTC)
Subject: Fwd: Ex. 7(A)

Henry Friedman just sent me the email below. I'll give him a call.

Sent from my iPhone

Begin forwarded message:

From: "Friedman, Henry (ENRD)" <Henry.Friedman@usdoj.gov>
Date: June 26, 2019 at 2:42:58 PM EDT
To: "Palmer, Leif" <Palmer.Leif@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Weinischke, Bill (ENRD)" <Bill.Weinischke@usdoj.gov>, "Mann, Valerie (ENRD)" <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Dear Leif, Suzanne and Mita,

Ex. 5 AC / AWP / Ex. 7(A)

Valerie is conveying this information to Susan A. as well. I am happy to discuss this. I should say that my availability is limited on Friday as our entire office is moving to another office in D.C. starting on Friday and through the weekend (I don't recommend a move of an

entire legal office to another location). I will be working at home on Friday and won't have much availability on Monday. I can make myself available this afternoon, Thursday and parts of Friday and Monday.

Best,

Henry

Henry S. Friedman
Assistant Section Chief | Environmental Enforcement Section | Environment Division
U.S. Department of Justice
Mailing Address: P.O. Box 7611 Ben Franklin Station, Washington, D.C. 20044
Phone: 202-514-5268 | Email: Henry.friedman@usdoj.gov

To: Bodine, Susan[bodine.susan@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Wed 6/26/2019 6:38:42 PM (UTC)
Subject: FW: Ex. 5 AC / Ex. 7(A) SEP/CD Update

Susan –

Per our discussion on the ED/RC call, here is the email from Region 4.

Rosemarie

From: Palmer, Leif
Sent: Wednesday, June 26, 2019 2:30 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Ex. 5 AC / Ex. 7(A) SEP/CD Update

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Subject: Ex. 5 AC / Ex. 7(A) **SEP/CD Update**

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ATTORNEY-CLIENT COMMUNICATION
CUI/LES
DO NOT RELEASE UNDER FOIA OR IN DISCOVERY

Ex. 5 DP / AC / AWP / Ex. 7(A)

Please let me know if you have any questions or concerns.

Thank you,
Suzanne

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Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.

Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

CONFIDENTIALITY NOTICE: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) or entity(ies) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Wed 6/26/2019 11:39:36 PM (UTC)
Subject: RE: H Ex. 7(A) SEP/CD Update

Thanks. ignore my last email. I'll wait to get a copy of the invitation

---

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, June 26, 2019 6:47 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Re: Ex. 7(A) SEP/CD Update

Bruce,

Ex. 5 Attorney Client (AC)

On the awards, there are DOJ recipients, and Susan is sending a congratulatory note and invitation imminently. We'll cc you, and I'll send you the list separately now.

Larry

Sent from my iPhone
On Jun 26, 2019, at 6:13 PM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:

Ex. 5 AC / AWP / Ex. 7(A)

On another topic: I gather EPA is in the process of announcing its gold, silver and bronze medals for the year. Is it at all possible for me to get a copy of the award recipients if they include anyone from DOJ or ENRD. I like to let our staff know about these awards. The recipients and their colleagues appreciate hearing about them.

Thanks

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, June 26, 2019 5:04 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Fwd: Ex. 7(A) EP/CD Update

PRIVILEGED AND CONFIDENTIAL

Bruce,

Ex. 5 AC / AWP / Ex. 7(A)

Larry

Sent from my iPhone
Begin forwarded message:

> **From:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Date:** June 26, 2019 at 2:29:40 PM EDT

To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Cc: "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: Fwd: Ex. 7(A) **SEP/CD Update**

Sent from my iPhone
Begin forwarded message:

From: "Armor, Suzanne" <Armor.Suzanne@epa.gov>
Date: June 26, 2019 at 2:24:02 PM EDT
To: "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Gordon, Scott" <Gordon.Scott@epa.gov>, "Bush, William" <Bush.William@epa.gov>, "Bragan, Mary Jo" <Bragan.Maryjo@epa.gov>, "Chavez, Araceli" <Chavez.Araceli@epa.gov>, "Elliott, Richard" <Elliott.Richard@epa.gov>, "Sayre, Dennis" <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A) **SEP/CD Update**

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DO NOT RELEASE UNDER FOIA OR IN DISCOVERY

Ex. 5 AC / AWP / Ex. 7(A)

Please let me know if you have any questions or concerns.

Thank you,
Suzanne

<IMAGEOO1.PNG>**SUZANNE K. ARMOR | ATTORNEY-ADVISOR**
United States Environmental Protection Agency
Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

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of the message.

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Mon 10/7/2019 3:04:17 PM (UTC)

Ex. 5 AC/AWP/DP

From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Sent: Monday, October 7, 2019 9:38 AM
To: Murray, Claire M. (OASG) <Claire.Murray@usdoj.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; bruce.gelber@usdoj.gov
Subject: Ex. 5 AC/AWP/DP

Claire, Susan has asked me to send this to you. See her email to you below.

Ex. 5 AC / AWP / Ex. 7(A)

Jeff

****

From: Susan Bodine

To: Claire Murray

Thru: Jeff Clark

Ex. 5 DP/ Ex. 5 AC / Ex. 7(A)

Ex. 5 DP/ Ex. 5 AC / Ex. 7(A)

Please let me know if you would like to discuss this further. I appreciate your consideration of this request.

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Fri 6/28/2019 3:56:32 PM (UTC)
Subject: Re: confidential

Thanks for sharing Larry. I will keep it close hold.

Sent from my iPhone

On Jun 28, 2019, at 11:33 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

FOR YOUR EYES ONLY – CONFIDENTIAL

Bruce,

Ex. 5 AWP / Ex. 5 AC / Ex. 7(A)

Larry
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From: Bodine, Susan
Sent: Thursday, June 27, 2019 12:49 PM
To: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: Ex. 5 AC / Ex. 7(A)
Importance: High

Ex. 5 AWP / Ex. 5 AC / Ex. 7(A)

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

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Agenda

OCE Weekly – AA/DAA/PDAA

Conference Call Number: 1 (202)-991-0477 Conference ID: 6632444

Conference Room 3216 WJC South

May 23, 2019

3:00 PM – 4:30 PM

1. **Ex. 5 AC / Ex. 7(A)** (WCED)
2. Update on **Ex. 5 AC / Ex. 7(A)** (WCED); Region 7 on the line
3. SEPs

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

ED_004082_00000365-00007

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

ED_004082_00000365-00011

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Talking Points for Meeting with PDAAG Murray on Application of the *Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities* to Supplemental Environmental Projects (SEPs) in Environmental Settlements

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/AWP/DP / Ex. 7(A)

Examples of Typical Municipal SEPs

City of Lancaster, PA (2018): Settlement addressed stormwater violations; no estimate yet of injunctive relief costs, but expected to be in the hundreds of millions. $135,000 penalty split between PA and US.

20+ year implementation schedule for injunctive relief; 16 month SEP implementation schedule.

> SEP valued at between $1.8 and $2.3 million provides for restoration of a segment of local waterway to restore approximately 1,350 linear feet of urban stream channel, reconnect wetlands to the Conestoga River, and establish additional habitat for micro- and macro-biota, thereby enhancing water quality. The project will also help reduce localized flooding from unmanaged impervious areas by providing additional stream capacity and flow rate attenuation above the confluence of the Conestoga River.

City of Middletown, OH (2018): Settlement addressed effluent and other CWA violations; $250 million (est) injunctive relief costs. $55,000 penalty split between OH and US.

25-year implementation schedule for injunctive relief; 12-month SEP implementation schedule.

> SEP valued at $200,000 to cap a portion of the sediment bed in a local hydraulic canal to eliminate exposure of benthic organisms to cadmium in the sediment, and to minimize potential erosion and entrainment of impacted sediment downstream towards the Great Miami River.

City and Sanitary District of Gary, IN (2016): Settlement addressed sewage and stormwater violations; $100-300 million (est) injunctive relief costs. $75,000 penalty split between IN and US.

25-year implementation schedule for injunctive relief; 2-year SEP implementation schedule.

> SEP valued at $175,000 to remove invasive plant species and restore native vegetation to stream banks and riparian areas in Northwest Indiana which will improve habitats, prevent shoreline erosion, increase stormwater retention (benefiting local hydrology), and improve natural filtration of wet weather flows.

Nevada DOT (2016): Settlement addressed stormwater and NPDES violations; $33 million (est) injunctive relief costs. $120,000 penalty split between NV and US.

2-year implementation schedule for injunctive relief; 12-month SEP implementation schedule.

> SEP valued at $200,000 to upgrade water quality monitoring devices to provide real-time continuous monitoring and to make the data publicly available.

City of Haverhill, MA (2016): Settlement addressed MS4 and CSO violations; $60 million (est) injunctive relief costs; $176,000 penalty split between MA and US.

13-year implementation schedule for injunctive relief; 2.5-year SEP implementation schedule.

> SEP valued at $176,000 to perform a riverbank restoration project along the Merrimack River, to reduce erosion and improve water quality.

City of Lima, OH (2014): Settlement addressed CSO and SSO violations; $147 million (est) injunctive relief costs; $49,000 penalty split between OH and US.

20-year implementation schedule for injunctive relief; 12-month SEP implementation schedule.

> SEP valued at $218,000 to restore stream banks along the Ottawa River, to improve water quality and benefit the aquatic ecosystem in the Ottawa River.

City of Great Falls, MN (2014): Settlement addressed SSO and other CWA violations; $2 million (est) injunctive relief costs; $675,000 penalty split between MN and US.

42-month implementation schedule for injunctive relief; 12-month SEP implementation schedule.

> SEP valued at $120,000 to install, operate, and maintain a hydrodynamic separator or similar device(s) to treat stormwater within the city's storm sewer system from an area south of the water treatment plant.

City of Columbia, SC (2013): Settlement addressed SSO and pother CWA violations; $750 million (est) injunctive relief costs; $476,400 penalty split between SC and US.

12-year implementation schedule for injunctive relief; 5-year SEP implementation schedule.

> SEP valued at $1 million to make flooding and water quality improvements in creeks and waterways in certain designated areas of the city.

City of Fitchburg, MA (2012): Settlement addressed CSO and other CWA violations; $100 million (est) injunctive relief costs; $141,000 million penalty split between MA and US.

18-year implementation schedule for injunctive relief; 12-month SEP implementation schedule.

> SEP valued at $100,000 to stabilize a stream bank and to control nonpoint source runoff that will improve water quality in the Nashua River watershed.

City of Chattanooga, TN (2012): Settlement addressed SSO, effluent, and other CWA violations; $250 million (est) injunctive relief costs. $476,400 penalty split between TN and US.

10-year implementation schedule for injunctive relief; 5-year SEP implementation schedule.

> SEP valued at $800,000 to restore a tributary of South Chickamauga Creek, stabilize the creek's banks, and eliminate a significant source of sediment and solids to the creek.

Kansas City, MO (2010): Settlement addressed extensive CSO, NSO, effluent and other CWA violations; $2.5 billion (est) injunctive relief costs; $600,000 penalty (no co-plaintiff).

25-year implementation schedule for injunctive relief; 5-year SEP implementation schedule.

> SEP valued at $1.6 million to implement a sewer connection and septic tank closure program for income eligible property owners, to address ground- and surface-water contamination from failing septic tanks. The City estimates that septic tanks in approximately 533 households will be eliminated.

Fundamental Facts About SEPs

- SEPs are projects included as part of an enforcement settlement that provide a tangible environmental or public health benefit.

- SEPs are projects that could not be required or compelled by EPA, and are not otherwise legally required (at the federal, state or local level), and thus provide benefits that go beyond compliance obligations.

- To ensure that EPA is appropriately exercising its prosecutorial discretion in the matter of SEPs, projects submitted by a defendant for consideration must have a strong "nexus," or connection, to the violations being resolved, and advance the goals of the statute from which the violations stemmed.

- Generally, the project must involve the same pollutant or same health effects as were involved in the violations being resolved, addressing the same adverse impacts or risks to which the violations contributed, or preventing future similar violations.

- Accordingly, each SEP proposed in a settlement must be evaluated in the context of the facts of that specific case, and project ideas cannot be completely analyzed without that context.

- There is no SEP "program": EPA does not develop, fund or implement SEPs, and they are not a "funding mechanism" for projects. The SEP Policy is an enforcement settlement policy only.

- Defendants/respondents may use contractors or other third-parties to help implement the projects. However, a SEP is a project a defendant/respondent has committed to perform, and cannot simply be cash payments or donations (absent explicit statutory authorization).

- SEPs are voluntary, and EPA may not demand or require that a defendant perform a SEP.

- SEPs are developed and implemented by a defendant/respondent, and are included in a settlement only if a defendant/respondent is interested, and proposes a project that meets the legal and other requirements of the SEP Policy.

- EPA maintains the right to reject a SEP, but the Agency does not impose its preference for particular projects on defendants/respondents.

- SEPs may not be directed, controlled or managed by EPA.

- SEPs cannot "augment" any existing federal funding or appropriations, by providing additional resources to perform the same activity or supplementing the resources Congress has provided to perform federal functions. SEPs cannot be undertaken using federal loans, federal grants, or any other form of federally-provided financial assistance.

- SEPs are not a diversion of penalty funds. Under EPA's penalty policies, factors such as self-disclosure, cooperation, or good faith efforts to comply may result in a downward adjustment of

an initial penalty calculation. The SEP Policy provides for such consideration of a defendant/respondent's willingness to implement a SEP.

- Settlements with SEPs always include a final settlement penalty that retains the deterrent value of the settlement. The penalty includes a component that addresses the gravity of the violation, and a component that recoups the economic benefit that the violator realized from its non-compliance, to maintain a level playing field with competitors who remained in compliance.

- EPA encourages defendants to reach out to the affected communities about project ideas, and, if the Agency is aware of projects with community support, provides such information to defendants, for their consideration.

Current State of Affairs on SEPs with DOJ (as 5/22/19)

Ex. 5 AC/DP

To: bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Dworkin, Karen (ENRD)[Karen.Dworkin@usdoj.gov]
Sent: Mon 4/29/2019 2:58:48 PM (UTC)
Subject: RE: SEP discussion on Monday

Yes.

-----Original Message-----
From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Monday, April 29, 2019 10:53 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: Re: SEP discussion on Monday

I don't know how.

Karen - can you do the honors

Sent from my iPhone

> On Apr 29, 2019, at 9:22 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>
> That works. Will you send out a calendar invite?
>
> Sent from my iPhone
>
>> On Apr 29, 2019, at 8:35 AM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:
>>
>> Larry - yes, 5 works best for us if you can arrange it.
>>
>> Let's talk about Ex. 5 AC/AWP/DP in the call.
>>
>> Sent from my iPhone
>>
>>> On Apr 28, 2019, at 5:17 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>>>
>>> Bruce,
>>>
>>> We have a conflict at 5 pm, but might be able to move it. Let me know if I should try.
>>>

Ex. 5 AC/DP

>>>
>>> Larry
>>>
>>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>>
>>> -----Original Message-----
>>> From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
>>> Sent: Sunday, April 28, 2019 3:19 PM
>>> To: karen.dworkin@usdoj.gov; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
>>> Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>; Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>

>>> Subject: Re: SEP discussion on Monday
>>>
>>> Karen - how about if we move the call to 5 pm. Would that help?
>>>
>>> Larry - will that work for you?
>>>

Ex. 5 AC/DP

>>>
>>> Adding Nat to this email
>>>
>>> Sent from my iPhone
>>>
>>>> On Apr 26, 2019, at 7:33 AM, Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV> wrote:
>>>>

Ex. 6 Personal Privacy (PP)

>>>> -----Original Message-----
>>>> From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
>>>> Sent: Thursday, April 25, 2019 4:42 PM
>>>> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
>>>> Cc: Snow, Corinne (ENRD) <CSnow@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
>>>> Subject: Re: Do you have time to talk this afternoon
>>>>
>>>> That works for me.
>>>>
>>>> Karen, Corinne, Tom - does that work for you?
>>>>
>>>> Sent from my iPhone
>>>>
>>>>> On Apr 25, 2019, at 4:12 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>>>>>
>>>>> Bruce,
>>>>>

Ex. 7(A)

>>>>> Larry
>>>>>
>>>>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>>>>
>>>>>
>>>>>
>>>>> -----Original Message-----
>>>>> From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
>>>>> Sent: Thursday, April 25, 2019 12:56 PM
>>>>> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
>>>>> Subject: Do you have time to talk this afternoon
>>>>>
>>>>> Anytime after 2
>>>>>

>>>>> Ex. 7(A)
>>>>>
>>>>> Sent from my iPhone

To: bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]; Douglas, Nathaniel (ENRD)[Nathaniel.Douglas@usdoj.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Snow, Corinne (ENRD)[Corinne.Snow@usdoj.gov]; Mariani, Tom (ENRD)[Tom.Mariani@usdoj.gov]
From: Dworkin, Karen (ENRD)[Karen.Dworkin@usdoj.gov]
Sent: Mon 4/29/2019 12:21:15 PM (UTC)
Subject: RE: SEP discussion on Monday

Yes, that would work better for me.

-----Original Message-----
From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Sunday, April 28, 2019 3:19 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Snow, Corinne (ENRD) <CSnow@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Subject: Re: SEP discussion on Monday

Karen - how about if we move the call to 5 pm. Would that help?

Larry - will that work for you?

Ex. 5 AC/DP

Adding Nat to this email

Sent from my iPhone

> On Apr 26, 2019, at 7:33 AM, Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV> wrote:
>

Ex. 6 Personal Privacy (PP)

>
> -----Original Message-----
> From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
> Sent: Thursday, April 25, 2019 4:42 PM
> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
> Cc: Snow, Corinne (ENRD) <CSnow@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
> Subject: Re: Do you have time to talk this afternoon
>
> That works for me.
>
> Karen, Corinne, Tom - does that work for you?
>
> Sent from my iPhone
>
>> On Apr 25, 2019, at 4:12 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>>
>> Bruce,
>>

Ex. 7(A)

>>
>> Larry
>>
>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>
>>
>>
>> -----Original Message-----
>> From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
>> Sent: Thursday, April 25, 2019 12:56 PM
>> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
>> Subject: Do you have time to talk this afternoon
>>
>> Anytime after 2
>>

Ex. 7(A)

>> Sent from my iPhone

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Fri 5/3/2019 9:37:40 PM (UTC)
Subject: Re: Follow-Up Note on SEPs

Thanks, Rosemarie!

Sent from my iPhone

On May 3, 2019, at 4:20 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Larry --

I am forwarding the note below from Jesse. Susan may not have had a chance to forward it yet.

Ex. 5 AC/DP

Rosemarie Kelley, Director

Office of Civil Enforcement

OECA

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, May 3, 2019 4:08 PM
To: Kelley, Rosemarie
Subject: FW: Follow-Up Note on SEPs

Here's Jesse's note.

From: Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>
Sent: Friday, May 3, 2019 12:06 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Davis, Patrick (OASG) <padavis@jmd.usdoj.gov>
Subject: RE: Follow-Up Note on SEPs

Dear Susan,

Ex. 5 AC/DP

All best,

Jesse

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, May 2, 2019 1:02 PM
To: Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Follow-Up Note on SEPs

Jesse,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thank you for your partnership with EPA during your time at DOJ.

Susan

Susan Parker Bodine

Assistant Administrator

Office of Enforcement and Compliance Assurance

202-564-2440

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To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]
From: Payne, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: Tue 4/23/2019 5:16:11 PM (UTC)
Subject: RE: Consent Decree

Ex. 5 AC/AWP/DP, Ex 7a

From: Starfield, Lawrence
Sent: Tuesday, April 23, 2019 6:45 AM
To: Payne, James <payne.james@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Consent Decree

Jim,

I had three thoughts from a quick read:

Ex. 5 AC/AWP/DP, Ex 7a

To discuss.

Larry

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Sent from my iPhone
On Apr 22, 2019, at 8:15 PM, Payne, James <payne.james@epa.gov> wrote:

> We have a draft response and anticipate sending to you tomorrow/Tues am.

Sent from my iPhone
On Apr 22, 2019, at 4:13 PM, Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov> wrote:

Ex. 5 Attorney Client (AC)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Ex. 5 AC/AWP/DP
Subject: Consent Decree

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner

Baker · Wotring LLP
700 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002
713.980.1717 Direct
713.594.2212 Cell
713.980.1700 Main
713.980.1701 Fax
dbaker@bakerwotring.com
www.bakerwotring.com

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Ex. 7(A)

To: Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Tue 4/23/2019 2:40:54 PM (UTC)
Subject: RE: Consent Decree

Agree that the edits are necessary and appropriate. Thx.

From: Makepeace, Caroline
Sent: Tuesday, April 23, 2019 9:27 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Consent Decree

I think that those edits make it much more clear and to the point.

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Bodine, Susan
Sent: Tuesday, April 23, 2019 8:48 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Ex. 5 AC/AWP/DP, Ex 7a

From: Fogarty, Johnpc
Sent: Tuesday, April 23, 2019 8:29 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

2 quick reactions:

Ex. 5 AC/AWP/DP, Ex 7a

From: Starfield, Lawrence
Sent: Monday, April 22, 2019 7:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Three quick thoughts:

Ex. 5 AC/AWP/DP, Ex 7a

Larry

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From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, April 22, 2019 5:14 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: bruce.gelber@usdoj.gov; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 Attorney Client (AC)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: Ex. 5 AC/AWP/DP
Subject: Consent Decree

Ex. 7(A)

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
Baker · Wotring LLP
700 JPMorgan Chase Tower
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To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Tue 4/23/2019 12:55:51 PM (UTC)
Subject: Re: Consent Decree

Sorry to chime in late, on the road ferrying the high-schooler. Agree with John's comments below, and I'm struck by two

Ex. 5 AC/AWP/DP, Ex 7a

Sent from my iPhone

On Apr 23, 2019, at 8:29 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

2 quick reactions:

Ex. 5 AC/AWP/DP, Ex 7a

From: Starfield, Lawrence
Sent: Monday, April 22, 2019 7:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Three quick thoughts:

Ex. 5 AC/AWP/DP, Ex 7a

Larry
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From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, April 22, 2019 5:14 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: bruce.gelber@usdoj.gov; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 Attorney Client (AC)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: Ex. 5 AC/AWP/DP
Subject: Consent Decree

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
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To: Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Tue 4/23/2019 12:52:03 PM (UTC)
Subject: RE: Consent Decree

Ex. 5 AC/AWP/DP, Ex 7a

From: Bodine, Susan
Sent: Tuesday, April 23, 2019 8:48 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Ex. 5 AC/AWP/DP, Ex 7a

From: Fogarty, Johnpc
Sent: Tuesday, April 23, 2019 8:29 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

2 quick reactions:

Ex. 5 AC/AWP/DP, Ex 7a

From: Starfield, Lawrence
Sent: Monday, April 22, 2019 7:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Three quick thoughts:

Ex. 5 AC/AWP/DP, Ex 7a

Ex. 5 AC/AWP/DP, Ex 7a

Larry

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From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, April 22, 2019 5:14 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: bruce.gelber@usdoj.gov; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 Attorney Client (AC)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: Ex. 5 AC/AWP/DP
Subject: Consent Decree

Ex. 7(A)

Ex. 7(A)

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To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Tue 4/23/2019 12:48:25 PM (UTC)
Subject: RE: Consent Decree

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP, Ex 7a

From: Fogarty, Johnpc
Sent: Tuesday, April 23, 2019 8:29 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

2 quick reactions:

Ex. 5 AC/AWP/DP, Ex 7a

From: Starfield, Lawrence
Sent: Monday, April 22, 2019 7:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Three quick thoughts:

Ex. 5 AC/AWP/DP, Ex 7a

Larry

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From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, April 22, 2019 5:14 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: bruce.gelber@usdoj.gov; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 Attorney Client (AC)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: Ex. 5 AC/AWP/DP
Subject: Consent Decree

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
Baker · Wotring LLP
700 JPMorgan Chase Tower

600 Travis Street
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To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Mariani, Tom (ENRD)[Tom.Mariani@usdoj.gov]
From: Douglas, Nathaniel (ENRD)[Nathaniel.Douglas@usdoj.gov]
Sent: Thur 4/11/2019 8:39:27 PM (UTC)
Subject: RE: Consent Decree

Thanks

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, April 11, 2019 4:16 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Subject: Re: Consent Decree

Yes. Ex. 5 AC/AWP/DP

Larry

Sent from my iPhone
On Apr 11, 2019, at 3:52 PM, Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov> wrote:

Ex. 5 AC/AWP/DP

From: Douglas, Nathaniel (ENRD)
Sent: Thursday, April 11, 2019 12:46 PM
To: Starfield.lawrence@Epa.gov; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Subject: FW: Consent Decree

Larry and Rosemarie, please note Ex. 7(A) most recent email. I have alerted Gelber and Tom, but we have not yet talked about this.

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: Ex. 5 AC/AWP/DP
Subject: Consent Decree

Ex. 7(A)

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
Baker · Wotring LLP
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To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Thur 4/11/2019 8:15:23 PM (UTC)
Subject: RE: Consent Decree

Yes

From: Starfield, Lawrence
Sent: Thursday, April 11, 2019 4:13 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Fwd: Consent Decree

Ex. 5 AC/AWP/DP

Sent from my iPhone
Begin forwarded message:

From: "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Date: April 11, 2019 at 3:52:36 PM EDT
To: "Starfield.lawrence@Epa.gov" <Starfield.lawrence@Epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Cc: "Mariani, Tom (ENRD)" <Tom.Mariani@usdoj.gov>
Subject: RE: Consent Decree

Ex. 7(A)

Thanks, Nat

From: Douglas, Nathaniel (ENRD)
Sent: Thursday, April 11, 2019 12:46 PM
To: Starfield.lawrence@Epa.gov; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Subject: FW: Consent Decree

Larry and Rosemarie, please note **Ex. 7(A)** most recent email. I have alerted Gelber and Tom, but we have not yet talked about this.

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: **Ex. 5 AC/AWP/DP**
Subject: Consent Decree

Ex. 7(A)

Ex. 5 AC/AWP/DP

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To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Patterson, Kenneth[Patterson.Kenneth@epa.gov]
From: Mariani, Tom (ENRD)[Tom.Mariani@usdoj.gov]
Sent: Wed 3/27/2019 9:21:12 PM (UTC)
Subject: EPA-ENRD Conf. Call for Monday April 1: Any suggested changes to the agenda below (carried over from last week's cancelled meeting)? Thks. TM

- Ex. 5 AC/AWP/DP Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP/DP, Ex 7a

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
Cc: Seager, Cheryl[Seager.Cheryl@epa.gov]; Gilrein, Stephen[gilrein.stephen@epa.gov]; McDonald, Scott[mcdonald.scott@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]
From: Payne, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: Wed 3/13/2019 5:38:58 PM (UTC)
Subject: Fwd: H

Ex. 5 AC/DP/7a

Ex. 5 AC/DP/7a

214-665-8170
214-490-6707 cell

Sent from my iPhone

Begin forwarded message:

From: payne.james@epa.gov
Date: March 13, 2019 at 12:33:06 PM CDT
To: "Idsal, Anne" <idsal.anne@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Gray, David" <gray.david@epa.gov>
Cc: "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gilrein, Stephen" <gilrein.stephen@epa.gov>, Ordonez.Efren@epa.gov, mcdonald.scott@epa.gov, Welton.Patricia@epa.gov
Subject: F

Ex. 5 AC/DP/7a

Ex. 5 AC/AWP/DP/7a

From: Ordonez, Efren
Sent: Tuesday, March 12, 2019 5:12 PM
To: Payne, James <payne.james@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>
Cc: Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>

Ex. 5 AC/AWP/DP/7a

Ex. 5 AC/AWP/DP/7a

If you have any questions or want more detailed information, please let me know.

Efren Ordóñez
Senior Attorney (ORC)
EPA, Region 6
(214)665-2181

To: Bodine, Susan[bodine.susan@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]
Cc: Clark, Jeffrey (ENRD)[jbc1@usdoj.gov]; Brightbill, Jonathan (ENRD)[Jonathan.Brightbill@usdoj.gov]; Grant, Eric (ENRD)[Eric.Grant@usdoj.gov]; Justin Heminger[Justin.Heminger@usdoj.gov]; Snow, Corinne (ENRD)[Corinne.Snow@usdoj.gov]; Kilbourne, Jim (ENRD)[Jim.Kilbourne@usdoj.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Mon 4/1/2019 4:51:04 PM (UTC)
Subject: Agenda for weekly management call
OAAG-#83557-v1-EPA-ENRD_Weekly_Call_-_agenda_for_April_1__2019.docx

Dear Colleagues:

Attached is the agenda for our weekly management call this afternoon.

Please note that there is one joint OECA-OGC item, which we will address when OGC joins the call at 4 pm.

Regards,

Bruce

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: (202) 514-4624
Facsimile: (202) 514-0557

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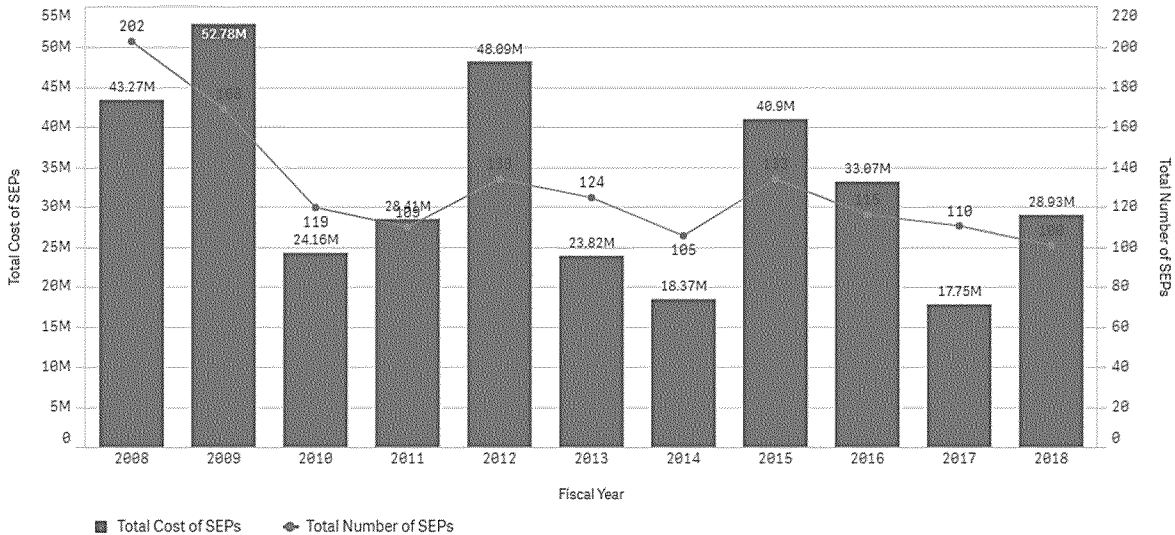
Supplemental Environmental Projects (SEPs)
FY 2008 – FY 2018

Prior FY Total Cost of SEPs Inflation Adjusted to Reflect the Current Totals in FY 2018 Dollars



- In FY 2018, EPA enforcement cases included 100 voluntary agreements to perform Supplemental Environmental Projects (SEPs) with a total estimated cost of over $28 million.
- SEPs are environmentally beneficial projects that are not otherwise legally required, that have a close nexus to the violations and that a defendant/respondent voluntarily agrees to undertake as part of the settlement of an enforcement action; a SEP may be considered as a factor to mitigate a civil penalty.

1. A single settlement can have multiple SEPs.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2018 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

ED_004082_00000507-00001

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Tue 4/9/2019 1:14:25 PM (UTC)
Subject: Re: Ex. 7(A) call

I do too

Sent from my iPhone

On Apr 9, 2019, at 7:49 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> That makes sense. Ex. 5 AC/AWP/DP
>
> Sent from my iPhone
>
> On Apr 8, 2019, at 8:14 PM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:
>
> Ex. 5 AC/AWP/DP
>
> **From:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>
> **Sent:** Monday, April 8, 2019 6:47 PM
> **To:** Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
> **Subject:** RE: Ex. 7(A) call
>
> Bruce,
>
> Ex. 5 AC/AWP/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
Sent: Monday, April 08, 2019 6:34 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Justin Heminger <Justin.Heminger@usdoj.gov>; Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>; karen.dworkin@usdoj.gov; Shiffman, Cari <Shiffman.Cari@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Ex. 7(A) call

Thank you Nat.

From: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Sent: Monday, April 8, 2019 6:32 PM
To: Heminger, Justin (ENRD) <JHeminger2@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Shiffman.Cari@epa.gov; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield.lawrence@Epa.gov; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A) call

Ex. 5 AC/AWP/DP

Also spoke to one of Ex. 7(A) lawyers. She will determine Ex. 7(A) Ex. 7(A) availability between 5 and 6 pm eastern on Tuesday.
Nat

From: Heminger, Justin (ENRD) <JHeminger2@ENRD.USDOJ.GOV>
Sent: Monday, April 8, 2019 5:23 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Shiffman.Cari@epa.gov; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield.lawrence@Epa.gov; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Ex. 7(A) call

All,
Just confirming that we are still targeting tomorrow at 5 p.m. ET for a call between DOJ/EPA and Ex. 7(A)

Nat, have you heard anything from Ex. 7(A) yet?

Best regards,
Justin

Justin D. Heminger
Chief of Staff and Counsel to the Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2607
Washington, D.C. 20530-0001
(202) 305-0312
justin.heminger@usdoj.gov

To: Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Bailey-Morton, Ethel[Bailey-Morton.Ethel@epa.gov]; Loving, Shanita[Loving.Shanita@epa.gov]; OECA-OCE-MANAGERS[OECAOCEMANAGERS@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Buterbaugh, Kristin[Buterbaugh.Kristin@epa.gov]; OECASpecialAssistant[OECASpecialAssistant@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Buterbaugh, Kristin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=760171C66D9E421EAB5D3FCB4356A1C0-BUTERBAUGH,]
Sent: Wed 9/18/2019 8:02:10 PM (UTC)
Subject: OCE Weekly Agenda for September 19, 2019
Agenda OCE Weekly 09 19 19.pdf

Please find the agenda and materials for Thursday's OCE Weekly attached. Thank you.

Kristin Buterbaugh
Special Assistant
OECA - Office of Civil Enforcement
U.S. Environmental Protection Agency
WJC South 3119C
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4479
Buterbaugh.Kristin@epa.gov

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Agenda

OCE Weekly – AA/DAA/PDAA

Conference Call Number: 1 (202)-991-0477 Conference ID: 6632444

Conference Room 3216 WJC South

September 19, 2019

3:00 PM – 4:15 PM

1.
2.
3. Ex. 5 AC/AWP/DP
4.
5.
6.
7. SEPs

Ex. 5 AC, AWP / Ex. 7(A)

Ex. 5 AC, AWP / Ex. 7(A)

Ex. 5 AC, AWP / Ex. 7(A)

Ex. 5 AC, AWP / Ex. 7(A)

Ex. 5 AC, AWP / Ex. 7(A)

RECEIVED ON:
ECAD
JUL 26 2019
CMS
EPA Region 10
Office of the Regional Administrator

GVEA
Golden Valley Electric Association
PO Box 71249, Fairbanks, AK 99707-1249 • (907) 452-1151 • www.gvea.com
Your Touchstone Energy® Cooperative

July 23, 2019

Sent via USPS, Express Mail

Chris Hladick
Regional Administrator
US EPA Region 10
1200 6th Avenue, Suite 155, 21-B03
Seattle, WA 98101
E-mail: hladick.christopher@epa.gov

RE: Notice of Intent to Request Modification of Consent Decree (Civil Action No. 4:12-cv-00025-RRB) to Extend the Decision Date for SCR Installation or Retirement of GVEA's Healy Unit 1 Power Plant.

Dear Mr. Hladick,

Golden Valley Electric Association (GVEA) is a member owned, not-for-profit electric cooperative that, as part of its generation fleet, owns and operates two coal-fired boilers (Units 1 and 2) in Healy, Alaska[1]. Unit 1 is a 25-megawatt (MW) unit built in 1967. Unit 2 is a 50 MW unit built in 1996 that GVEA purchased from the Alaska Industrial Development and Export Authority (AIDEA) in December 2013.[2]

In conjunction with the purchase of Unit 2 and in an effort to resolve litigation that threatened GVEA's ability to operate Unit 2 once purchased (see attached Complaint), GVEA entered into a settlement agreement with the Environmental Protection Agency (EPA) on November 19, 2012. The result of the settlement is that GVEA is subject to a Consent Decree (Civil Action No. 4:12-cv-00025-RRB) that controls GVEA's operation of both Healy Unit 1 and Unit 2.

The Consent Decree, (a copy of which is attached) is unique in that it did not arise from any violation of the Clean Air Act (CAA). In fact, at the time the Consent Decree was entered, a full prevention of significant deterioration (PSD) analysis that included Unit 2 had been conducted in

[1] GVEA provides electric generation, transmission, and distribution to almost 45,000 residential and commercial members across 6,000 square miles of Interior Alaska; an area subject to extreme winter conditions. Unlike the extensive interconnected electric grids that link the contiguous 48 states, GVEA operates as an islanded grid, with a peak load of approximately 200 MW during the coldest winter months. A 70 MW transmission line ("Alaska Intertie") connects GVEA's service area to the Alaska south central utilities, a distance of approximately 360 miles. However, during those times when the Alaska Intertie is out of service, GVEA must rely on its own generation resources to meet its members' electrical demand.

[2] Unit 2 had been in warm lay-up status from 1999 until approximately May 2015 when GVEA first attempted to bring it online.

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the 1990's. Additionally, there existed a valid Title V operating permit for Unit 2. Nonetheless, in an effort to bring 50 MWs of low cost electric generation online as expeditiously as possible when oil prices were over $100 per barrel, and in order to avoid protracted litigation during the height of the "Sue & Settle" era, GVEA signed the Consent Decree.

Prior to restarting Unit 2 in 2015, GVEA installed approximately $100MM in NOx control upgrades on Units 1 and 2, a Selective Non Catalytic Reduction (SNCR) on Unit 1 and a Selective Catalytic Reduction (SCR) on Unit 2. GVEA now faces a critical, imminent decision: The Consent Decree (at Paragraph 61) requires that GVEA commit, by December 31, 2022, to either install an SCR (or equivalent) on Unit 1 (a $50MM to $70MM commitment), or retire Unit 1 (thereby eliminating GVEA's lowest cost energy source). Whichever option GVEA selects must be implemented no later than December 31, 2024.

GVEA intends to request that the Consent Decree be amended to extend the decisional date within which to either install an SCR on Unit 1 or retire Unit 1 from service until December 31, 2028 (and the implementation date until December 31, 2030). Several reasons justify the requested extension:

1) The Consent Decree's current decisional deadline coincides with the evolution of many technological, environmental, and state energy regulatory considerations. Requiring GVEA to decide by 2022 whether to install an SCR or retire Unit 1 will likely result in GVEA installing an SCR, thus committing GVEA to a long-term carbon emitting generation asset. Extending the decisional date, however, provides GVEA the opportunity to evaluate and to potentially invest in evolving clean energy technologies as they mature.

2) If Healy Unit 1 is retired, the 25 MWs that Healy Unit 1 provides will need to be generated elsewhere, likely at GVEA's gas turbine power plant located in the Fairbanks North Star Borough (FNSB) Serious Non-Attainment Area (NAA) - thus potentially exacerbating the $PM_{2.5}$ issue with increased SO_2 ($PM_{2.5}$ precursor) emissions.

3) Although installing an SCR on Unit 1 currently appears the most economically viable option[3], the cost ($50 - $70MM) associated with an SCR would significantly limit financial resources that GVEA might otherwise have available to invest in clean energy alternatives. In addition, the cost associated with installing an SCR on Unit 1 effectively forecloses GVEA's ability to invest in projects that would have a direct impact on reducing overall carbon emissions and $PM_{2.5}$ in the FNSB NAA.

4) The startup of Unit 2 in May 2015 proved problematic. Unit 2 did not achieve commercial operation until September 2018 – approximately 29 months later than originally anticipated by GVEA when it agreed to the Consent Decree. Given that GVEA's members did not benefit from Unit 2's lower cost energy during this protracted period, it is appropriate that the decisional date be extended before GVEA's members are forced to incur the added financial burden associated with either having to install an SCR on Unit 1 or retiring Unit 1 and replacing 25 MWs with more expensive energy.

Each of the four reasons is discussed in more detail below.

[3] An Integrated Resource Plan (IRP) that GVEA recently completed indicates that given GVEA's current and projected electric loads, adding an SCR to Unit 1 is the most economical option for long-term electric generation.

1) Evolving Energy and Policy Landscape

There are many emerging clean energy technologies that when mature and commercially available, can positively influence GVEA's power generation options. Likewise, there are a number of evolving Alaska energy regulatory policies, which if implemented, may also change the landscape for how GVEA and other Alaska Railbelt utilities generate and transmit power. However, if GVEA must decide by 2022 whether to retire Healy Unit 1 or install an SCR, GVEA's best option for ensuring continued delivery of reliable, economic power to its members will be to install an SCR and to continue to operate Unit 1 indefinitely. GVEA requests that the EPA amend the 2012 Consent Decree to extend the Healy Unit 1 decisional date until 2028. Extending the decisional date affords GVEA the ability to evaluate emerging energy technologies and to implement policies that will advance GVEA's carbon reduction goal and increase its use of renewables, while also ensuring GVEA's continued ability to provide reliable, economic electricity to its members. Considerations at this crossroads include:

a) The controls and BACT implementation requirements in the draft Serious PM2.5 State Implementation Plan.
b) The evolving efforts of the six Railbelt Utilities to create the Railbelt Reliability Council and a Railbelt Transmission Company.
c) GVEA's 2019 Carbon Reduction goal to reduce GVEA's 2012 carbon emission rate 26% by 2030.
d) The Interior Gas Utility's continued work to bring economic natural gas to Interior Alaska.
e) Developing yet unavailable advances in energy storage solutions to regulate and stabilize renewable power generation.
f) Developing yet unavailable advances in small modular nuclear reactors that can provide steady carbon-free power.[4]

2) Retirement of Healy Unit 1 will Increase Emissions of $PM_{2.5}$ in the Fairbanks NAA

If GVEA retires Healy Unit 1 in 2024, a large portion of the 25 MWs that Unit 1 produces will be generated in the FNSB NAA at GVEA's North Pole Power Plant.

In 2017, GVEA combusted over 10 million gallons[5] of high sulfur diesel (HSD) fuel for electric generation within the FNSB NAA. With Healy Unit 1 and Unit 2 both operating, the amount of fuel burned by GVEA in the NAA has decreased 50%. However, if Healy Unit 1 is retired in 2024, the majority of the 25 MWs that Healy 1 generates will be replaced with generation from GVEA's fuel oil turbines located within the FNSB NAA. Modeling estimates indicate fuel consumption would increase to nearly 10 million gallons a year.

GVEA has been investigating ways to assist the Interior Gas Utility (IGU) in delivering cost effective natural gas to Fairbanks. If the IGU project proves economic, GVEA could serve as a "cornerstone tenant" for the project by converting a unit at its North Pole Power Plant to natural gas for electric generation. Doing so would help stabilize seasonal gas demand and

---

[4] NuScale Power leads the American development of small modular reactors (SMR's). NuScale, headquartered in Portland, Oregon, is working on licensing through the Nuclear Regulatory Commission (NRC), and plans to start construction of the first plant for a utility association in Idaho in 2023.

[5] Information from Petro Star, Inc. indicates the total sales of HSD for home heating is 28-30 million gallons per year. In 2017, GVEA combusted approximately 25% of the total HSD used in the Fairbanks and North Pole area.

provide an economy of scale. Having affordable natural gas available in Fairbanks and North Pole will reduce $PM_{2.5}$ emissions from home heating. However, if GVEA is required to determine whether or not to install an SCR on Healy Unit 1 by 2022, GVEA will likely install an SCR, thereby diverting financial resources required to convert its North Pole Power Plant. Amending the Consent Decree to extend the decisional deadline on Healy Unit 1 provides GVEA time to work with IGU to help make this project a reality.

3) **GVEA's Integrated Resource Plan Shows Installing an SCR on Unit 1 the Most Cost Effective Option**

In April 2018, GVEA completed an Integrated Resource Plan (IRP). The IRP is a comprehensive study focused on identifying GVEA's best, long-term generation resource mix considering forecasted electrical demand, environmental risks, and rate impacts.

The IRP scenarios GVEA modeled were compared against a base case that included all of GVEA's current generation sources and the assumption that Healy Unit 1 would be retired in 2024. Scenarios modeled included integrating various increments of wind generation, adding hydroelectric projects, installing an SCR on Healy Unit 1, and adding petroleum based generating units to stabilize renewable power. Based on current known technologies, the IRP indicated adding an SCR to Unit 1 was GVEA's most economical option - in fact, it was the only viable option that showed a lowering of member's rates over the base case.

4) **Delayed Benefit of Unit 2 Generation**

Healy Unit 2 was initially brought back online from warm layup in May 2015. Unfortunately, because of problems with the coal feed system, Unit 2 did not achieve commercial operation until September 2018, approximately 29 months later than originally anticipated by GVEA when it agreed to the Consent Decree. This equates to 900,000 MW hours of low cost energy that GVEA's members did not receive. Given the protracted delay in the start-up of Healy Unit 2 and for the other reasons previously discussed, it is reasonable that the Consent Decree be amended to extend the decisional date before GVEA's members are forced to incur the financial burden associated with either installing an SCR on Unit 1 or retiring Unit 1.

Conclusion

GVEA has demonstrated a commitment to environmental leadership in Alaska, having previously installed Alaska's largest battery storage facility, largest wind generation project, and largest solar project. In 2005, GVEA adopted Alaska's first "Green Power Pledge" which called for 10% of its system peak load to come from renewable sources. In 2007, GVEA raised the goal to 20% – a target that GVEA met when it constructed the Eva Creek Wind Farm. Most recently in 2019, GVEA's Board adopted an aggressive carbon reduction policy that aims to reduce GVEA's 2012 carbon emission rate 26% by 2030.

Please understand that GVEA's request to extend the Healy Unit 1 decisional date as currently set forth in the Consent Decree is not an effort to avoid any environmental commitment. Rather, the request simply seeks additional time to ensure that GVEA has the opportunity to evaluate evolving clean energy technologies and the ability to deploy its resources in a manner that has the greatest potential long-term benefit for the environment, its members and the FNSB community.

GVEA looks forward to working cooperatively with the EPA in efforts to amend the Consent Decree to extend the Healy Unit 1 decisional date. We would appreciate scheduling a meeting to discuss the process moving forward as soon as possible.

Yours,

Cory R. Borgeson
President & Chief Executive Officer
CBorgeson@gvea.com
(907) 458-5866

Enclosures [2]:
1) Consent Decree (Civil Action No. 4:12-cv-00025-RRB)
2) Complaint (Civil Action No. 4:12-cv-00025-RRB)

Cc: Office of U.S. Senator Lisa Murkowski, Hand Delivered
Office of U.S. Senator Dan Sullivan, Hand Delivered
Office of U.S. Congressman Don Young, Hand Delivered

ED_004082_00000516-00013

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

OFFICE OF THE REGIONAL ADMINISTRATOR

AUG 20 2019

Cory R. Borgeson
President & Chief Executive Officer
Golden Valley Electric Association
P.O. Box 71249
Fairbanks, Alaska 99707-1249

Dear Mr. Borgeson:

I am writing in response to your July 23, 2019, letter in which you discuss GVEA's intent to request to modify the 2012 Consent Decree (Civil Action No. 4:12-cf-00025-RRB) to extend the compliance deadlines required for GVEA's Unit #1.

I have forwarded your letter to Ed Kowalski, Director of the Enforcement and Compliance Assurance Division, and to Lisa Castañon, Acting Regional Counsel. Mr. Kowalski and Ms. Castañon have asked their staff to review your letter and coordinate with the other EPA offices and parties that will be affected by a decision on GVEA's request. Because GVEA's request is based, in part, on potential impacts in Fairbanks PM2.5 non-attainment planning, and because it will also have impacts on Clean Air Act regional haze requirements and GVEA's Clean Air Act permits, Regional management and staff in Region 10's Air and Radiation Division are being consulted. In addition, because the Consent Decree was signed by EPA's Director of the Air Enforcement Division within the Office of Enforcement and Compliance Assurance in Washington, DC, staff and management in that office have also been provided a copy of your letter and will be involved in the decision making. Finally, because the U.S. Department of Justice represented EPA in negotiating the Consent Decree and is also a signatory, EPA will be coordinating with the Department in responding to GVEA's request.

I have conveyed to my managers and staff your request to schedule a meeting to discuss the process for moving forward as soon as possible. John Keenan, in Region 10's Enforcement and Compliance Assurance Division, will be contacting Naomi Morton-Knight, GVEA's Environmental Officer, once EPA is prepared for a discussion. If you have any questions or concerns in the interim, please call me at (206) 553-1234 or have your staff contact Mr. Keenan at (206) 553-1817. Contacts from GVEA's legal counsel should be directed to Julie Vergeront in Region 10's Office of Regional Counsel (206) 553-1497.

Sincerely,

Michelle Pirode for

Chris Hladick
Regional Administrator

cc: Senator Lisa Murkowski
Senator Dan Sullivan
Congressman Don Young

Ex. 5 AC/DP

ED_004082_00000516-00017

Ex. 5 AC/DP

ED_004082_00000516-00018

From: Kelley, Rosemarie
To: Starfield, Lawrence
Cc: Porter, Amy; Makepeace, Caroline; Fogarty, Johnpc; Buterbaugh, Kristin
Subject: Ex. 5 AC/DP
Date: Tuesday, September 17, 2019 10:45:00 PM
Attachments: Ex. 7(A)

<!--[if lte mso 15 || CheckWebRef]-->

Kelley, Rosemarie has shared OneDrive for Business files with you. To view them, click the links below.

Ex. 7(A)

<!--[endif]-->

Larry --

Ex. 5 AC/DP

****

Jeff--

Ex. 5 AC/AWP/DP, Ex. 7(a)

Rosemarie

Rosemarie Kelley, Director
Office of Civil Enforcement
OECA

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC/AWP/DP, Ex. 7(a)

To: Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Mon 4/8/2019 11:00:42 PM (UTC)
Subject: RE: Ex. 7(A)

Susan—

Based on the email traffic since our noon call with DOJ, I am no longer clear on the purpose of the call. Is it your understanding that

Ex. 5 AC/AWP/DP

Rosemarie

From: Bodine, Susan
Sent: Monday, April 08, 2019 6:48 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

Susan

From: Starfield, Lawrence
Sent: Monday, April 8, 2019 6:44 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Ex. 7(A)

Susan,

Ex. 5 AC/AWP/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, April 08, 2019 6:32 PM
To: Justin Heminger <Justin.Heminger@usdoj.gov>; Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>; karen.dworkin@usdoj.gov; Shiffman, Cari <Shiffman.Cari@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; bruce.gelber@usdoj.gov
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

Also spoke to one of Ex. 7(A) lawyers. Ex. 7(A) availability between 5 and 6 pm eastern on Tuesday. Nat

---

From: Heminger, Justin (ENRD) <JHeminger2@ENRD.USDOJ.GOV>
Sent: Monday, April 8, 2019 5:23 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Shiffman.Cari@epa.gov; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield.lawrence@Epa.gov; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

All,
Just confirming that we are still targeting tomorrow at 5 p.m. ET for a call between DOJ/EPA and Ex. 7(A)

Nat, have you heard anything from Ex. 7(A) yet?

Best regards,
Justin

Justin D. Heminger
Chief of Staff and Counsel to the Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2607
Washington, D.C. 20530-0001
(202) 305-0312
justin.heminger@usdoj.gov

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Welton, Patricia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=04374B1A19E84BB88C61FAC683D9CA12-WELTON, PATRICIA]
Sent: Mon 4/8/2019 8:50:45 PM (UTC)
Subject: RE: Ex. 7(A)

Thank you

From: Starfield, Lawrence
Sent: Monday, April 08, 2019 3:49 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Ex. 7(A)

Confidential

Tricia,

Ex. 5 AC/DP

Larry

Sent from my iPhone
On Apr 8, 2019, at 3:44 PM, Welton, Patricia <Welton.Patricia@epa.gov> wrote:

Ex. 5 AC/DP

Tricia
214-665-7327
<Ex. 7(A) SEP CTS 04082019.docx>

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]; Seager, Cheryl[Seager.Cheryl@epa.gov]; Gray, David[gray.david@epa.gov]
From: Payne, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: Mon 4/8/2019 8:44:06 PM (UTC)
Subject: Fwd: Ex. 5 AC/AWP Ex 7a
Houston - SEP CTS 04082019.docx
ATT00001.htm

Patricia - thanks.
Larry and all - I'm in Europe though let me know if might help for me to call in for anything.

Larry - we enjoyed our time in your city of Paris last few days.

Jim
214-790-5838 temporary office cell in Europe

Sent from my iPhone

Begin forwarded message:

From: "Welton, Patricia" <Welton.Patricia@epa.gov>
Date: April 8, 2019 at 9:44:50 PM GMT+2
To: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Cc: "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Payne, James" <payne.james@epa.gov>
Subject: FW: Ex. 5 AC/AWP/DP Ex 7a

Ex. 5 AC/AWP/DP

Thank you for your consideration
Tricia
214-665-7327

To: Bodine, Susan[bodine.susan@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Douglas, Nathaniel (ENRD)[Nathaniel.Douglas@usdoj.gov]; Mariani, Tom (ENRD)[Tom.Mariani@usdoj.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Mon 4/8/2019 12:59:35 PM (UTC)
Subject: Re: Further developments Ex. 7(A)

Yes. 12 noon.

Sent from my iPhone

On Apr 8, 2019, at 8:58 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Bruce,

Can you call 202-565-1019 –

The phone on my conference table.

We will be together.

Susan

From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
Sent: Saturday, April 6, 2019 9:55 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Subject: Re: Further developments Ex. 7(A)

Susan - let's go with 12 noon. We'll call you

Sent from my iPhone
On Apr 5, 2019, at 8:44 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

I am free from before 930, 10 to 11, 12 to 1, and 130 to 2

Ex. 7(A)

Sent from my iPad
On Apr 5, 2019, at 6:56 PM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:

Susan: Jeff asked me to find out if you are available for a call on Monday to discuss

Ex. 7(A)

Ex. 5 AC/AWP/DP Ex 7a

Ex. 5 AC/AWP/DP Ex 7a

Cc: Patrick, Larry, Nat, Tom

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: (202) 514-4624
Facsimile: (202) 514-0557

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To: Bodine, Susan[bodine.susan@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Branning, Hannah[Branning.Hannah@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]
From: Theis, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A559A9BF75F14D13B38275CD3757C40E-JTHEIS02]
Sent: Fri 4/5/2019 7:12:50 PM (UTC)
Subject: RE: POC for SEP/Third Party Payments briefing

Yes, and she is actually "Caroline" Makepeace. I pay attention to such things, because my wife is a "Carolyn". She is in Amy Porter's cross-cutting Policy group.

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

This email may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this email has been received by you in error, you are instructed to delete it from your machine and all storage media whether electronic or hard copy.

From: Bodine, Susan
Sent: Friday, April 05, 2019 2:54 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Branning, Hannah <Branning.Hannah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: FW: POC for SEP/Third Party Payments briefing

This is for Jeff's briefing on SEPs generally next Friday. It will be a joint EPA/DOJ briefing. Is Carolyn the right point of contact?

From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
Sent: Friday, April 5, 2019 12:44 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: POC for SEP/Third Party Payments briefing

Susan: Should we contact Carolyn Makepeace to coordinate joint briefing for Jeff, or do you have another point of contact for us?

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: (202) 514-4624
Facsimile: (202) 514-0557

CONFIDENTIALITY NOTICE: This communication may contain law enforcement sensitive, privileged attorney/client communications or work product, and is not subject to disclosure. It is solely for the use of the intended recipients. Unauthorized interception, review, use or disclosure is prohibited. If you believe that you have received this e-mail in error, please notify the sender immediately, and permanently delete the email, any attachments, and all copies from your computer.

To: Harrison, Ben[Harrison.Ben@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 9/21/2018 2:48:16 PM (UTC)
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP

Anyone can set up an account with Pacer for accessing docs, btw.

From: Harrison, Ben
Sent: Friday, September 21, 2018 10:45 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: Re: Ex. 7(A)

Thanks. We don't have access to PACER. Ex. 5 AC/AWP

Sent from my iPhone
On Sep 21, 2018, at 9:39 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 AC/AWP

From: Harrison, Ben
Sent: Friday, September 21, 2018 10:20 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 AC/AWP

Sent from my iPhone
On Sep 20, 2018, at 1:04 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ben,

Calling you in 2 minutes. See latest from DOJ, below.

Larry

Sent from my iPhone
Begin forwarded message:

From: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Date: September 20, 2018 at 1:26:00 PM EDT
To: "Bodine, Susan" <bodine.susan@epa.gov>, "Wood, Jeffrey (ENRD)" <Jeffrey.Wood@usdoj.gov>
Cc: "Traylor, Patrick" <traylor.patrick@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Heminger, Justin (ENRD)" <Justin.Heminger@usdoj.gov>, "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>

Subject: Re Ex. 7(A)

Jeff, Susan -

Ex. 5 AC/AWP

All for now.

Sent from my iPhone
On Sep 20, 2018, at 8:43 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

-----Original Message-----
From: Wood, Jeffrey (ENRD) [mailto:Jeffrey.Wood@usdoj.gov]
Sent: Wednesday, September 19, 2018 10:26 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: bruce.gelber@usdoj.gov; Justin Heminger <Justin.Heminger@usdoj.gov>
Subject: Ex. 7(A)

Susan, Patrick and Larry,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks,
Jeff

Ex. 5 AC/DP

To: Harrison, Ben[Harrison.Ben@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 9/21/2018 2:39:19 PM (UTC)
Subject: Ex. 7(A)

Ex. 5 AC/DP

Ex. 5 AC/AWP

From: Harrison, Ben
Sent: Friday, September 21, 2018 10:20 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 AC/AWP

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On Sep 20, 2018, at 1:04 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ben,

Calling you in 2 minutes. See latest from DOJ, below.

Larry

Sent from my iPhone
Begin forwarded message:

From: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Date: September 20, 2018 at 1:26:00 PM EDT
To: "Bodine, Susan" <bodine.susan@epa.gov>, "Wood, Jeffrey (ENRD)" <Jeffrey.Wood@usdoj.gov>
Cc: "Traylor, Patrick" <traylor.patrick@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Heminger, Justin (ENRD)" <Justin.Heminger@usdoj.gov>, "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Subject: Re: Ex. 7(A)

Jeff, Susan -

Ex. 5 AC/AWP

Ex. 5 AC/AWP

All for now.

Sent from my iPhone
On Sep 20, 2018, at 8:43 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ex. 5 AC/AWP/DP

-----Original Message-----

From: Wood, Jeffrey (ENRD) [mailto:Jeffrey.Wood@usdoj.gov]
Sent: Wednesday, September 19, 2018 10:26 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: bruce.gelber@usdoj.gov; Justin Heminger <Justin.Heminger@usdoj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

Thanks,
Jeff

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
Cc: Traylor, Patrick[traylor.patrick@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Tue 9/10/2019 6:24:07 PM (UTC)
Subject: RE: SEPs fact sheet for Hearing Binder
OECA SEPs in Muni Cases Fact Sheet.9.10.19 w LS comments.docx

More edits

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Tuesday, September 10, 2019 11:58 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: SEPs fact sheet for Hearing Binder

Karin,

Ex. 5 AC/DP

Larry

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Tuesday, September 10, 2019 11:26 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEPs fact sheet for Hearing Binder

Susan – attached is the SEP hearing fact sheet you requested. Many thanks to Caroline and John for drafting.

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 3:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>

Subject: RE: Hearing Binder Fact Sheet Check-in

Ex. 5 AC/DP

Can we get it by Tuesday AM?

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, September 6, 2019 2:59 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Susan –

Ex. 5 AC/DP

When do you want to see a draft?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 2:38 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: Hearing Binder Fact Sheet Check-in

Can we do a new fact sheet on the DOJ SEP policy? For next week (not today).

Susan

From: Rodrick, Christian <rodrick.christian@epa.gov>
Sent: Friday, September 6, 2019 2:30 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kasper, Amanda <Kasper.Amanda@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Struhar, Kirby <struhar.kirby@epa.gov>
Subject: Hearing Binder Fact Sheet Check-in

All,

Thank you all again for all the timely assistance you and your teams have provided OCIR in preparing and updating the Administrator's hearing prep binder. I understand there was a call this week to continually update fact sheets as actions are taken or news arises. Many of your teams have worked to provide me updates on a number of topics already this week, however, in case you have a fact sheet you would like updated in the binder, OCIR needs to have that update by 3:30PM today in order to get it into the Administrator's hearing binder before the weekend. If 3:30 is impossible, let me know and we can update it next week before hearing prep begins. If you have any questions or concerns, just reach out.

Thanks again,

Christian Rodrick
Director of House Relations, OCIR
U.S. Environmental Protection Agency
O: (202) 564-4828
C: Ex. 6

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN CASES INVOLVING STATE AND LOCAL GOVERNMENTS

BACKGROUND:

- **Supplemental Environmental Projects (SEP)** are projects that a defendant volunteers to undertake in settlement that provide additional environmental benefits by reducing human health exposures or environmental impacts or by reducing the likelihood by future violations. EPA considers SEPs when setting penalty demands.
- [2]Examples of SEPs include lead-based paint abatement for low-income housing in the vicinity of a facility with Clean Air Act violations involving lead emissions; purchase of emergency response equipment for the community in which a defendant has violated the Clean Air Act risk management program; and emissions or discharge reductions at a defendant's facility beyond that which is required by law.
- EPA has included SEPs in settlements since 19xx and first issued a formal policy in 1991. The practice of allowing SEPs has been reviewed and approved both by EPA's Office of General Counsel and DOJ's Office of Legal Counsel. EPA most recently updated its SEP policy in 2015. Under EPA's policy, a SEP cannot require a payment to a third party.
- In August 2019, DOJ's Enforcement and Natural Resources Division issued a memorandum expressly disallowing the inclusion of SEPs in cases against governmental entities, except for diesel emission reduction SEPs, that are expressly authorized by Congress, and some other limited potential exceptions. The memorandum also signals that SEPs are not likely to be approved in any settlement, whether with a governmental or private party.

TALKING POINTS:

- SEPs are a lawful exercise of EPA's enforcement discretion. EPA supports SEPs not only because of their additional positive environmental benefits, but also because they are useful in achieving settlements.
- EPA's SEP Policy is unchanged and still in effect. The Agency continues to support the inclusion of SEPs that meet all the requirements of its SEP Policy in appropriate cases.
- DOJ's policies apply to judicial matters. EPA continues to include SEPs in administrative settlements, including those with governmental entities.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN CASES INVOLVING STATE AND LOCAL GOVERNMENTS

BACKGROUND:

- Under EPA's long-standing **Supplemental Environmental Projects (SEP) Policy**[1]**,** in determining the appropriate final penalty amount to accept in settlement, EPA may consider a project that a defendant voluntarily offers to undertake. The project must have a nexus to the environmental requirement that the defendant violated and must not be otherwise required by law.
- SEPs are projects that a defendant volunteers to undertake in settlement that provide additional environmental benefits by reducing human health exposures or environmental impacts or by reducing the likelihood by future violations.
- Examples of SEPs include lead-based paint abatement for low-income housing in the vicinity of a facility with Clean Air Act violations involving lead emissions; purchase of emergency response equipment for the community in which a defendant has violated the Clean Air Act risk management program; and emissions or discharge reductions at a defendant's facility beyond that which is required by law.

TALKING POINTS:

- EPA's SEP Policy is unchanged and still in effect, and the Agency continues to support the inclusion of SEPs that meet all the requirements of the Policy in appropriate cases.
- EPA continues to include SEPs in administrative settlements, including those with governmental entities.
- EPA supports SEPs not only because of their additional positive environmental benefits, but also because they are useful in achieving settlements.
- Many defendants prefer a lower civil penalty and the goodwill generated with the community through the performance of SEPs, even if their total expenditure is greater than it would have been had they only paid a civil penalty. State or local governments often request to include SEPs in settlement because local officials and the communities they represent consider the projects to be positive elements in the resolution of violations.
- In August 2019, DOJ's Enforcement and Natural Resources Division issued a memorandum expressly disallowing the inclusion of SEPs in cases against governmental entities, with extremely limited potential exceptions.
- The August 2019 memo relied on a memo issued by the Attorney General in November 2018, which directed that settlements with state and local governments could not include terms that go beyond what is necessary to ensure compliance. ENRD interprets that memo to preclude SEPs because they are voluntary and cannot be obtained "by litigating the matter to judgment."

[1] EPA's SEP Final Policy was issued over 20 years ago, in 1998, and was updated in 2015.

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Hull, George[Hull.George@epa.gov]
Cc: Bodine, Susan[bodine.susan@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Makepeace, Caroline[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: Fri 8/23/2019 7:48:02 PM (UTC)
Subject: RE: desk statement

Those tweaks are accurate. The date on the memo is Aug. 21.

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, August 23, 2019 3:25 PM
To: Hull, George <Hull.George@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Re: desk statement

Ex. 5 Deliberative Process (DP)

Larry

Sent from my iPhone
On Aug 23, 2019, at 10:50 AM, Hull, George <Hull.George@epa.gov> wrote:

Susan, Larry, Rosemarie and Karin,

Please find below for your review a draft desk statement to be used for press inquiries we may receive on the recent DOJ memo on SEPs. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 8/23/2019 7:46:51 PM (UTC)
Subject: Re: desk statement

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Aug 23, 2019, at 2:25 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Larry

Sent from my iPhone

On Aug 23, 2019, at 10:50 AM, Hull, George <Hull.George@epa.gov> wrote:

Susan, Larry, Rosemarie and Karin,

Please find below for your review a draft desk statement to be used for press inquiries we may receive on the recent DOJ memo on SEPs. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

To: R5 ORC EPA[R5_ORC_EPA@epa.gov]
Cc: Walts, Alan[walts.alan@epa.gov]; Anderson, Andrew[anderson.andrew@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Nelson, Leverett[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2229A07C2CB442B182332D9DCC325F13-LNELSON]
Sent: Wed 3/21/2018 4:02:43 PM (UTC)
Subject: Today's Second Enforcement Update

Dear ORC:

An article entitled "Consent Decree Dispute Highlights Changes in SEP, Mitigation Projects Due to New DOJ Settlement Policy" is worth reading, to get the private bar view. https://www.lexology.com/r.ashx?i=5824522&l=7YMN2MJ

The article also contains a link to the 1/9/18 DOJ policy on "Settlement Payments to Third Parties in ENRD Cases," providing guidance on the 6/5/17 Attorney General memo entitled "Prohibition on Settlement Payments to Third Parties." Bert distributed the 1/9/18 memo to all ORC attorneys a few days after it was issued. **Ex. 5 Attorney Client (AC)** **Ex. 5 Attorney Client (AC)** This article is a clear indication that the policy is now freely circulating.

While on the subject of enforcement, we were pleased to see confirmed in today's awards announcement that all three of the Region's 2017 gold medal team nominations highlight ORC work and include ORC team nominees: DuPont, Enbridge and S.H. Bell. Way to go, ORC! You'll note in that message that attorneys and non-attorneys from ORC are nominated, which is important.

Meanwhile, the pace of lodging and entry of Region 5 consent decrees in 2018 continues at a remarkable pace. Within the last month or so, please note the following list, most recent first:

Entered:

2/14/18	S.H. Bell (CAA 303/CERCLA 106)	Matson/Mikalian
2/13/18	United Rolls (CAA)	McAuliffe
2/12/18	St. Regis/ Cass Lake (CERCLA)	Turner/Wester

Lodged:

3/19/18	Martin Marietta (CAA)	Schnieders
3/9/18	Midwest Generation (CAA)	Tennenbaum
2/27/18	North Sanitary/ Valleycrest (CERCLA)	Wood-Chi
2/15/18	Westshore Palos (CWA 311)	Clarizio
2/9/18	City of Middletown, OH (CWA)	Prichard

Ex. 5 Attorney Work Product (AWP)/ Ex. 7(A)

So, good things are happening in ORC. Thanks to you all for the hard work (including on matters not mentioned above).

-Rett/Jane

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
Sent: Wed 8/21/2019 11:50:24 PM (UTC)
Subject: RE: confidential

Ex. 5 AC/AWP/DP

-----Original Message-----
From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, August 21, 2019 8:43 AM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: confidential

Bruce,

Rosemarie is trying to set up some time with you and Tom for us to discuss next steps.

Ex. 5 AC/AWP/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

-----Original Message-----
From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Sent: Tuesday, August 20, 2019 10:01 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: bruce.gelber@usdoj.gov; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

Ex. 5 AC/AWP/DP

Jeff

Sent from my iPhone

> On Aug 20, 2019, at 9:46 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>
> Ex. 5 Attorney Client (AC)
>

Ex. 5 AC/AWP/DP

>
> Susan
>
> Sent from my iPad
>
>> On Aug 20, 2019, at 7:58 PM, Clark, Jeffrey (ENRD) <jbc1@usdoj.gov> wrote:
>>
>> PRIVILEGED & CONFIDENTIAL
>> ATTORNEY WORK PRODUCT
>> DELIBERATIVE -- FOIA-EXEMPT

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

>>
>> Jeff
>>
>>
>> -----Original Message-----
>> From: Bodine, Susan <bodine.susan@epa.gov>
>> Sent: Tuesday, August 20, 2019 5:34 PM
>> To: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>
>> Cc: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Starfield,
>> Lawrence <Starfield.Lawrence@epa.gov>
>> Subject: RE: Emailing: ENRD State and Local SEP Memo Internal 8 20 19
>> Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8
>> 21 19.pdf
>>
>> Jeff,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

>>
>> Susan
>>
>>
>> Susan Parker Bodine
>> Assistant Administrator
>> Office of Enforcement and Compliance Assurance
>> 202-564-2440
>>
>>
>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>
>>
>>
>> -----Original Message-----
>> From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
>> Sent: Tuesday, August 20, 2019 11:07 AM
>> To: Bodine, Susan <bodine.susan@epa.gov>
>> Cc: bruce.gelber@usdoj.gov
>> Subject: Emailing: ENRD State and Local SEP Memo Internal 8 20 19
>> Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8
>> 21 19.pdf
>>
>> Susan,
>>

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 6 Personal Privacy (PP)

>> Jeff

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]
Cc: Shiffman, Cari[Shiffman.Cari@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Buterbaugh, Kristin[Buterbaugh.Kristin@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
From: Hull, George[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6DD2FAB273845218756495C7A2D94AD-GHULL]
Sent: Wed 8/21/2019 7:20:51 PM (UTC)
Subject: RE: DOJ sidelines popular enforcement tool -- Wednesday, August 21, 2019 -- www.eenews.net

Below is a statement that we had used to respond to a press inquiry earlier this month. I'll engage with Susan and Larry to ask their direction for a statement in light of the memo from Jeff Clark today. Thanks, George

EPA has not changed its 2015 policy regarding supplemental environmental projects (SEPs) in settlement agreements. A SEP is a beneficial environmental project or activity to which a party agrees that goes beyond what could legally be required in order for the party to return to compliance. On November 7, 2018, former Attorney General Jeff Sessions issued a Department of Justice (DOJ) policy entitled Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities – see https://www.justice.gov/opa/pr/justice-department-releases-memorandum-litigation-guidelines-civil-consent-decrees-and. As a policy matter, DOJ requires that judicial settlements with a state or local entity that include SEPs must first be reviewed and approved by the Associate Attorney General.

-----Original Message-----
From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Wednesday, August 21, 2019 1:58 PM
To: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: DOJ sidelines popular enforcement tool -- Wednesday, August 21, 2019 -- www.eenews.net

George, Pat-

We should develop a statement. We're likely to get inquiries.

Rosemarie

-----Original Message-----
From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Wednesday, August 21, 2019 1:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: LAW: DOJ sidelines popular enforcement tool -- Wednesday, August 21, 2019 -- www.eenews.net

https://www.eenews.net/greenwire/2019/08/21/stories/1061022641

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Tue 8/20/2019 9:54:54 PM (UTC)
Subject: FW: Supplemental Environmental Projects

From: Bodine, Susan
Sent: Tuesday, August 20, 2019 4:40 PM
To: Murray, Claire M. (OASG) <Claire.Murray@usdoj.gov>
Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: RE: Supplemental Environmental Projects

Ex. 5 AC/AWP/DP

Susan

From: Murray, Claire M. (OASG) <Claire.Murray@usdoj.gov>
Sent: Sunday, August 18, 2019 11:44 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: RE: Supplemental Environmental Projects

Susan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

All my best,
Claire

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, August 9, 2019 5:26 PM
To: Murray, Claire M. (OASG) <cmmurray@jmd.usdoj.gov>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>
Subject: Supplemental Environmental Projects

Claire,

Ex. 5 AC/AWP/DP

Have a good weekend.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Fri 9/22/2017 9:29:55 PM (UTC)
S

Ex. 5 AC / Ex. 5 DP / Ex. 7(A)

From: Payne, James
Sent: Friday, September 22, 2017 5:21 PM
To: Coleman, Sam <Coleman.Sam@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>

Ex. 5 AC / Ex. 5 DP / Ex. 7(A)

On Sep 22, 2017, at 3:37 PM, Payne, James <payne.james@epa.gov> wrote:

ENRD front office is Ex. 6 Personal Privacy (PP)

My suggestion is a call w the involved DOJ managers, Larry and Sam. Checking now for Larry's availability.

Jim
214-490-6707 cell

Sent from my iPhone
On Sep 22, 2017, at 3:33 PM, Coleman, Sam <Coleman.Sam@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Samuel Coleman, P. E.,
Deputy Regional Administrator

214.665.2100 Ofc
214.665. 3110 Desk
214.665.2016 Cell

Coleman.sam@epa.gov

Sent from my iPhone
On Sep 22, 2017, at 4:01 PM, Payne, James <payne.james@epa.gov> wrote:

Larry - would you be available for a call this aft w Nat and Tom at DOJ to consult on this? They would be available. I've had a series of calls w them.

Sam - could include you as well, if your DC travel schedule today allowed.

Jim
214-490-6707 cell

Sent from my iPhone
Begin forwarded message:

From: payne.james@epa.gov
Date: September 21, 2017 at 3:58:37 PM CDT
To: Nathaniel.Douglas@usdoj.gov, Thomas.Carroll@USDOJ.GOV
Cc: Scott McDonald <mcdonald.scott@epa.gov>, Denton.Loren@epa.gov

Ex. 5 AC / Ex. 5 DP / Ex. 7(A)

Sent from my iPhone

To: Bodine, Susan[bodine.susan@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 8/19/2019 7:14:50 PM (UTC)
Subject: RE: Supplemental Environmental Projects

OK.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, August 19, 2019 3:13 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Supplemental Environmental Projects

Ex. 5 Deliberative Process (DP)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, August 19, 2019 3:10 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: RE: Supplemental Environmental Projects

Agreed, and Rosemarie? The context might be helpful.

Larry

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, August 19, 2019 10:21 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Supplemental Environmental Projects

Ex. 5 AC/DP

From: Murray, Claire M. (OASG) <Claire.Murray@usdoj.gov>
Sent: Sunday, August 18, 2019 11:44 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: RE: Supplemental Environmental Projects

Susan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

All my best,
Claire

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, August 9, 2019 5:26 PM
To: Murray, Claire M. (OASG) <cmmurray@jmd.usdoj.gov>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>
Subject: Supplemental Environmental Projects

Claire,

Ex. 5 AC/AWP/DP

Thanks for considering my views.

Have a good weekend.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

To: Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 8/19/2019 7:00:35 PM (UTC)
Subject: FW: Supplemental Environmental Projects
Memorandum regarding SEPs in Settlements with State and Local Governments (August 9, 2019).pdf

Bruce,

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, August 19, 2019 10:21 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Supplemental Environmental Projects

Ex. 5 AC/DP

From: Murray, Claire M. (OASG) <Claire.Murray@usdoj.gov>
Sent: Sunday, August 18, 2019 11:44 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: RE: Supplemental Environmental Projects

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

All my best,
Claire

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, August 9, 2019 5:26 PM
To: Murray, Claire M. (OASG) <cmmurray@jmd.usdoj.gov>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>
Subject: Supplemental Environmental Projects

Claire,

Ex. 5 AC/AWP/DP

Thanks for considering my views.

Have a good weekend.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

To: Bailey-Morton, Ethel[Bailey-Morton.Ethel@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Sat 8/17/2019 12:31:02 AM (UTC)
Subject: Fwd: Follow-up items from OCE weekly 8/15/19
PLAW-114publ322 WIIN Act.pdf
ATT00001.htm
Memorandum regarding SEPs in Settlements with State and Local Governments (August 9, 2019).pdf
ATT00002.htm
BILLS-115s3021enr. Americas Water Infrastructure Act 2018.pdf
ATT00003.htm
dieselepslegislation-memotoregions.pdf
ATT00004.htm

Please print and put it on my chair. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
To: "Mirza, Sabah" <Mirza.Sabah@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Buterbaugh, Kristin" <Buterbaugh.Kristin@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Saenz, Diana" <Saenz.Diana@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>, "Theis, Joseph" <Theis.Joseph@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>, "Zimny, James" <zimny.james@epa.gov>, "Rae, Sarah" <Rae.Sarah@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>, "Grisby, Erin" <grisby.erin@epa.gov>, "Ziegel, Dean" <Ziegel.Dean@epa.gov>, "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Cc: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>, "Shiffman, Cari" <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/15/19

On SEP strategy meeting,

Ex. 5 AC/DP

Susan

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Thursday, August 15, 2019 5:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Grisby, Erin <grisby.erin@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen

<Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/15/19

Hi all,

Here are the follow-up items from today's OCE meeting:

Ex. 5 AC / Ex. 7(A)

4. Set up EPA SEP Strategy Meeting

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, August 8, 2019 11:37 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/8/19

Hi all,

Here are the follow-up items from today's OCE meeting:

1.
2.
3.

Ex. 5 AC / Ex. 7(A)

4.
5.
~~~~~~~~~~~~~~~~~~~~~~

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Wednesday, July 31, 2019 1:45 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: Follow-up items from OCE weekly 7/31/19

Hi all,

Here are the follow-up items from today's OCE meeting:

Ex. 5 AC / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 25, 2019 5:03 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Miles, James <miles.james@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Follow-up items from OCE weekly 7/25/19

Hi all,

Here are the follow-up items from the OCE meeting today:

Ex. 5 AC / Ex. 7(A)

Thanks,

Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 11, 2019 3:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Follow-up items from OEC weekly 7/11/19

Hi all,

Here are the follow-up items from the OCE meeting today:

Ex. 5 AC / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

To: bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]
Cc: Mariani, Tom (ENRD)[Tom.Mariani@usdoj.gov]; Snow, Corinne (ENRD)[Corinne.Snow@usdoj.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Fri 8/2/2019 12:02:38 PM (UTC)
Subject: Re: AA - AAG lunch

Sounds good. Have a terrific time on your trip.
Larry

Sent from my iPhone

On Aug 2, 2019, at 12:50 AM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:

Larry – Sometime next week, before Susan's lunch with Jeff, Tom Mariani will send probably two emails to Jeff.

Ex. 5 AC / Ex. 7(A)

Copying both Tom and Corinne Snow for their awareness.

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: (202) 514-4624
Facsimile: (202) 514-0557

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To: Koslow, Karin[Koslow.Karin@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Leif Palmer (Palmer.Leif@epa.gov)[Palmer.Leif@epa.gov]; Suzanne Rubini (Rubini.Suzanne@epa.gov)[Rubini.Suzanne@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; 'Susan Bodine'[bodine.susan@epa.gov]; Patrick Traylor (traylor.patrick@epa.gov)[traylor.patrick@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Thur 8/1/2019 6:24:47 PM (UTC)
Subject: Ex. 7(A)

Ex. 5 AC / AWP / Ex. 7(A)

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Thursday, August 01, 2019 9:58 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 Deliberative Process (DP)

Ex. 5 AC / AWP / Ex. 7(A)

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: (202) 716-5645
WJC South Room 3142D

From: Palmer, Leif
Sent: Tuesday, July 30, 2019 5:56 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Re: Ex. 7(A)

Thanks Mark. Next week should work for us. Angie Cameron handles my schedule and I would need Suzanne Rubini to be included as the Acting ECAD Director.

Sent from my iPhone
On Jul 30, 2019, at 5:35 PM, Pollins, Mark <Pollins.Mark@epa.gov> wrote:

> Leif, hope all is well. This is a difficult one. If you would like to talk prior to Rosemarie's return Loren Denton, Sarah Rae and I would like to be on the call. We should also include Caroline Makepeace from our cross cutting policy group who has been point on the SEP issue. Our DOD Karin Koslow can be included in Rosemarie's place but she is out until the middle of next week. Copying them. Will get back to you with some dates.
>
> Mark
>
> Mark Pollins, Director
> Water Enforcement Division
> Office of Civil Enforcement
> Office of Enforcement and Compliance Assurance (OECA)
> U.S. Environmental Protection Agency
> Phone: (202) 564-4001
> Fax: (202) 564-0018

From: Palmer, Leif
Sent: Tuesday, July 30, 2019 1:45 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>
Subject: Ex. 7(A)

Hi Mark – I see that Rosemarie is out to the 12th; I know we have a call on R4 RNCF cases on the 14th but I'd like for us to discuss Ex. 7(A) before then.

Ex. 5 AC / Ex. 7(A)

From: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Sent: Friday, July 26, 2019 5:17 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; bill.weinischke@usdoj.gov; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A) followup

Dear Leif and Mita,

Ex. 5 AC / AWP / Ex. 7(A)

Best,

Henry cc: Bill W, Valerie

Henry S. Friedman
Assistant Section Chief | Environmental Enforcement Section | Environment Division
U.S. Department of Justice
Mailing Address: P.O. Box 7611 Ben Franklin Station, Washington, D.C. 20044
Phone: 202-514-5268 | Email: Henry.friedman@usdoj.gov

To: Porter, Amy[Porter.Amy@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 7/31/2019 9:52:01 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo

Excellent. Thanks.

Larry

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Wednesday, July 31, 2019 5:30 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Larry – I personally talked to Tom Mariani about this today an Ex. 5 AC/DP

Thanks
Amy

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, July 31, 2019 5:09 PM
To: Porter, Amy <Porter.Amy@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Amy,

Did you guys check with Karen Dworkin Ex. 5 AC/DP That would be good to know. Thanks.

Larry
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From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Wednesday, July 31, 2019 1:03 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Larry –

Three new edits added to the attached and explained below – for your consideration.

1. (From Caroline, referring to page three):

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

3. (From John from email below, referring to bottom of page one):

Ex. 5 Deliberative Process (DP)

Please let me know if any questions.
Thanks
Amy
564-2431

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, July 31, 2019 10:54 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

Ex. 5 AC/DP

Sent from my iPhone
On Jul 31, 2019, at 10:15 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ex. 5 AC/DP

Larry

From: Fogarty, Johnpc
Sent: Wednesday, July 31, 2019 8:26 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

I'm about to head into 2 days of negotiations and can't really give this a close read, but wonder i Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Subject: RE: Draft SEPs State/Local Memo

Susan,

Ex. 5 AC/DP

Larry
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Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Ex. 5 AC/DP See attached. Comments welcome.

Susan

From: Starfield, Lawrence
Sent: Monday, July 15, 2019 8:27 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL

Rosemarie,

Let's do the best we can.

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Lots to discuss.

Larry

Sent from my iPhone
On Jul 15, 2019, at 7:40 AM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

> Larry -
>
> Given that Caroline Makepeace is out through next Friday and John is tied up with Ex. 7(A) for the next couple of days (and Amy is out until Thursday), Karin and I will talk this morning about how we will develop a response and when we can get it done.
>
> Rosemarie
>
> Rosemarie Kelley, Director
> Office of Civil Enforcement
> OECA

From: Fogarty, Johnpc
Sent: Monday, July 15, 2019 7:24:32 AM
To: Starfield, Lawrence
Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
Subject: Re: Draft SEPs State/Local Memo

I'm in all day negotiations today and tomorrow Ex. 7(A) and won't have a chance to look at this until mid-week, unfortunately.

Sent from my iPhone
On Jul 14, 2019, at 6:48 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Here is Jeff Clark's draft memo on SEPs. I haven't read it yet, but wanted to get it to you ASAP. Please let Susan and I know what you think and what next steps you recommend. I read it tonight or in the morning.
>
> Thanks.
>
> Larry
>
> ---
>
> **From:** Bodine, Susan
> **Sent:** Sunday, July 14, 2019 6:06 PM
> **To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
> **Subject:** Fwd: Draft SEPs State/Local Memo

Sent from my iPad
Begin forwarded message:

From: "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
Date: July 14, 2019 at 4:38:27 PM EDT
To: "bodine.susan@epa.gov" <bodine.susan@epa.gov>
Cc: "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Subject: Draft SEPs State/Local Memo

Susan, please see the attached.

Ex. 7(A)

Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

Ex. 5 Attorney Client (AC)

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 7/31/2019 9:51:08 PM (UTC)
Subject: FW: Draft SEPs State/Local Memo
DRAFT SEP memo to Claire .docx

FYI.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, July 31, 2019 5:39 PM
To: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Cc: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; bruce.gelber@usdoj.gov; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Jeff,

Attached is a draft memo that I propose to send to Claire setting forth my views on the issue. Ex. 5 Attorney Client (AC)
Ex. 5 Attorney Client (AC)

Susan

From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Sent: Sunday, July 14, 2019 4:38 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; bruce.gelber@usdoj.gov
Subject: Draft SEPs State/Local Memo

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 7/31/2019 2:56:36 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo

Thanks.

From: Fogarty, Johnpc
Sent: Wednesday, July 31, 2019 10:54 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
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Ex. 5 AC/DP

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Ex. 5 AC/DP

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Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
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Ex. 5 Deliberative Process (DP)

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Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Susan,

Ex. 5 AC/DP I had a few editorial suggestions for the group's consideration.

Larry

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Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Ex. 5 AC/DP See attached. Comments welcome.

Susan

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Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL

Rosemarie,

Let's do the best we can.

Ex. 5 AC/DP

Lots to discuss.

Larry

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Larry -

Given that Caroline Makepeace is out through next Friday and John is tied up with Ex. 7(A) for the next couple of days (and Amy is out until Thursday), Karin and I will talk this morning about how we will develop a response and when we can get it done.

Rosemarie

Rosemarie Kelley, Director
Office of Civil Enforcement
OECA

From: Fogarty, Johnpc
Sent: Monday, July 15, 2019 7:24:32 AM
To: Starfield, Lawrence
Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
Subject: Re: Draft SEPs State/Local Memo

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> Larry
>
> ---
>
> **From:** Bodine, Susan
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> **Subject:** Fwd: Draft SEPs State/Local Memo
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>> **From:** "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
>> **Date:** July 14, 2019 at 4:38:27 PM EDT
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>> **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
>> **Subject: Draft SEPs State/Local Memo**
>>
>> Susan, please see the attached.
>>
>> **Ex. 5 Attorney Client (AC)**
>>
>> Jeff
>>
>> <ENRD State and Local SEP Memo External Draft 1.docx>

To: Bodine, Susan[bodine.susan@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
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Sent: Tue 7/30/2019 9:30:26 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo
SEP memo to Claire w LS comments 7 30 19.docx

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Larry
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Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL

Rosemarie,

Let's do the best we can.

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Lots to discuss.

Larry

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> Rosemarie Kelley, Director
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>> **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
>> **Subject: Draft SEPs State/Local Memo**
>>
>> Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Tue 7/16/2019 3:38:46 AM (UTC)
Subject: Re: Draft SEPs State/Local Memo

How about enlisting a few of the RCs to help?

Sent from my iPhone

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Rosemarie

Rosemarie Kelley, Director

Office of Civil Enforcement

OECA

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To: Starfield, Lawrence
Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
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Begin forwarded message:

> **From:** "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
> **Date:** July 14, 2019 at 4:38:27 PM EDT
> **To:** "bodine.susan@epa.gov" <bodine.susan@epa.gov>
> **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
> **Subject: Draft SEPs State/Local Memo**
>
> Susan, please see the attached.
>
> **Ex. 5 Attorney Client (AC)**
>
> Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

To: Bailey-Morton, Ethel[Bailey-Morton.Ethel@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 7/15/2019 3:57:07 PM (UTC)
Subject: Fwd: Draft SEPs State/Local Memo

Please print and put it on my chair. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Date: July 15, 2019 at 6:26:34 AM MDT
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Cc: "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

PRIVILEGED AND CONFIDENTIAL
Rosemarie,
Let's do the best we can.

Ex. 5 AC/DP

Lots to discuss.

Larry

Sent from my iPhone

On Jul 15, 2019, at 7:40 AM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Larry -

Given that Caroline Makepeace is out through next Friday and John is tied up with Ex. 7(A) for the next couple of days (and Amy is out until Thursday), Karin and I will talk this morning about how we will develop a response and when we can get it done.

Rosemarie

Rosemarie Kelley, Director

Office of Civil Enforcement

OECA

From: Fogarty, Johnpc
Sent: Monday, July 15, 2019 7:24:32 AM
To: Starfield, Lawrence
Cc: Kelley, Rosemarie; Koslow, Karin; Makepeace, Caroline
Subject: Re: Draft SEPs State/Local Memo

I'm in all day negotiations today and tomorrow (Ex. 7(A) and won't have a chance to look at this until mid-week, unfortunately.

Sent from my iPhone

On Jul 14, 2019, at 6:48 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Here is Jeff Clark's draft memo on SEPs. I haven't read it yet, but wanted to get it to you ASAP. Please let Susan and I know what you think and what next steps you recommend. I read it tonight or in the morning.
>
> Thanks.
>
> Larry
>
> ---
>
> **From:** Bodine, Susan
> **Sent:** Sunday, July 14, 2019 6:06 PM
> **To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
> **Subject:** Fwd: Draft SEPs State/Local Memo
>
> Sent from my iPad
> Begin forwarded message:
>
> > **From:** "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
> > **Date:** July 14, 2019 at 4:38:27 PM EDT
> > **To:** "bodine.susan@epa.gov" <bodine.susan@epa.gov>
> > **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
> > **Subject: Draft SEPs State/Local Memo**

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

<ENRD State and Local SEP Memo External Draft 1.docx>

To: karen. dworkin (karen.dworkin@usdoj.gov)[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=75dcf1a6e6c74851b3d6f76d7fc63747-karen.dworkin@usdoj.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Sun 7/14/2019 10:53:42 PM (UTC)
Subject: FW: Draft SEPs State/Local Memo
ENRD State and Local SEP Memo External Draft 1.docx
ATT00001.htm

Karen,

I assume you'll get this from Bruce, but in case he hasn't seen it yet, here it is. I'll be interesting in knowing what you both think. I'll read it tonight or in the morning.

Larry

From: Bodine, Susan
Sent: Sunday, July 14, 2019 6:06 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Fwd: Draft SEPs State/Local Memo

Sent from my iPad
Begin forwarded message:

> **From:** "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
> **Date:** July 14, 2019 at 4:38:27 PM EDT
> **To:** "bodine.susan@epa.gov" <bodine.susan@epa.gov>
> **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
> **Subject: Draft SEPs State/Local Memo**
>
> Susan, please see the attached.
>
> **Ex. 5 Attorney Client (AC)**
>
> Jeff

To: Bodine, Susan[bodine.susan@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Sun 7/14/2019 10:50:58 PM (UTC)
Subject: RE: Draft SEPs State/Local Memo

Thanks. I forwarded a copy to Rosemarie, Fogarty, and Caroline Makepeace. I'll read it tonight.

Larry

From: Bodine, Susan
Sent: Sunday, July 14, 2019 6:14 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

Never mind. Let's share with the team. Ex. 5 AC/DP

Ex. 5 AC/DP

Sent from my iPad
On Jul 14, 2019, at 6:05 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

> Let's read before forwarding to our folks
>
> Sent from my iPad
> Begin forwarded message:
>
> > **From:** "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
> > **Date:** July 14, 2019 at 4:38:27 PM EDT
> > **To:** "bodine.susan@epa.gov" <bodine.susan@epa.gov>
> > **Cc:** "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
> > **Subject: Draft SEPs State/Local Memo**
> >
> > Susan, please see the attached.
>
> Ex. 5 Attorney Client (AC)
>
> Jeff
>
> <ENRD State and Local SEP Memo External Draft 1.docx>

To: Rubini, Suzanne[Rubini.Suzanne@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Gordon, Scott[Gordon.Scott@epa.gov]; Bush, William[Bush.William@epa.gov]; Palmer, Leif[Palmer.Leif@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 6/26/2019 9:08:54 PM (UTC)
Subject: RE: Ex. 7(A)

Thanks, Suzanne. I've also reached out to Bruce Gelber on this question.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Rubini, Suzanne
Sent: Wednesday, June 26, 2019 3:50 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Gordon, Scott <Gordon.Scott@epa.gov>; Bush, William <Bush.William@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP, Ex. 7(A)

Thanks,
Suzanne

From: Bush, William
Sent: Wednesday, June 26, 2019 3:45 PM
To: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: Ex. 7(A)

Thanks, Henry!!

From: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Sent: Wednesday, June 26, 2019 3:26 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; bill.weinischke@usdoj.gov; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: Ex. 7(A)

Dear Leif, Suzanne, Mita and Bill B,

Ex. 5 AC/AWP/DP, Ex. 7(A)

Best,

Henry

From: Friedman, Henry (ENRD)
Sent: Wednesday, June 26, 2019 2:43 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Dear Leif, Suzanne and Mita,

Ex. 5 AC/AWP/DP, Ex. 7(A)

Valerie is conveying this information to Susan A. as well. I am happy to discuss this. I should say that my availability is limited on Friday as our entire office is moving to another office in D.C. starting on Friday and through the weekend (I don't recommend a move of an entire legal office to another location). I will be working at home on Friday and won't have much availability on Monday. I can make myself available this afternoon, Thursday and parts of Friday and Monday.

Best,

Henry

Henry S. Friedman
Assistant Section Chief | Environmental Enforcement Section | Environment Division
U.S. Department of Justice
Mailing Address: P.O. Box 7611 Ben Franklin Station, Washington, D.C. 20044

Phone: 202-514-5268 | Email: Henry.friedman@usdoj.gov

To: Bailey-Morton, Ethel[Bailey-Morton.Ethel@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 6/26/2019 6:38:28 PM (UTC)
Subject: Fwd: Ex. 7(A) SEP/CD Update

Please print and put it on my chair. Thanks.

Sent from my iPhone

Begin forwarded message:

> **From:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Date:** June 26, 2019 at 2:29:40 PM EDT
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject: Fwd:** Ex. 7(A) **SEP/CD Update**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Armor, Suzanne" <Armor.Suzanne@epa.gov>
> > **Date:** June 26, 2019 at 2:24:02 PM EDT
> > **To:** "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Gordon, Scott" <Gordon.Scott@epa.gov>, "Bush, William" <Bush.William@epa.gov>, "Bragan, Mary Jo" <Bragan.Maryjo@epa.gov>, "Chavez, Araceli" <Chavez.Araceli@epa.gov>, "Elliott, Richard" <Elliott.Richard@epa.gov>, "Sayre, Dennis" <Sayre.Dennis@epa.gov>
> > **Subject:** Ex. 7(A) **SEP/CD Update**
> >
> > ATTORNEY WORK PRODUCT
> > ATTORNEY-CLIENT COMMUNICATION
> > CUI/LES
> > DO NOT RELEASE UNDER FOIA OR IN DISCOVERY
>
> **Ex. 5 AC/AWP/DP, Ex. 7(A)**
>
> Please let me know if you have any questions or concerns.
>
> Thank you,
> Suzanne

SUZANNE K. ARMOR | ATTORNEY-ADVISOR
United States Environmental Protection Agency
Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

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To: Payne, James[payne.james@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Thur 6/27/2019 11:52:34 AM (UTC)
Subject: Re: Ex. 7(A) and SEP

Jim,
Thanks for the update. We're trying to get this issue resolved soon.

Larry

Sent from my iPhone

On Jun 26, 2019, at 9:56 PM, Payne, James <payne.james@epa.gov> wrote:

Hi Rosemarie, Larry – sharing FYI this process update tha Ex. 7(A)
Ex. 7(A)

From: Herbert, Rusty
Sent: Wednesday, June 26, 2019 10:38 AM
To: Payne, James <payne.james@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A) status Update week of 6/26/2019

Ex. 5 AC/AWP/DP

Cc: Traylor, Patrick[traylor.patrick@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]
To: Bodine, Susan[bodine.susan@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 6/26/2019 10:55:59 PM (UTC)
Subject: Fwd: Ex. 7(A) SEP/CD Update

Susan,
Here's the response from Bruce Ex. 5 AC / Ex. 7(A)

Larry

Sent from my iPhone

Begin forwarded message:

From: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Date: June 26, 2019 at 6:13:23 PM EDT
To: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Subject: RE: Ex. 7(A) **SEP/CD Update**

Ex. 5 AC/AWP/DP, Ex. 7(A)

Thanks

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, June 26, 2019 5:04 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Fwd: Ex. 7(A) SEP/CD Update

PRIVILEGED AND CONFIDENTIAL

Bruce,

Ex. 5 AC/AWP/DP, Ex. 7(A)

Larry

Sent from my iPhone
Begin forwarded message:

From: "Palmer, Leif" <Palmer.Leif@epa.gov>
Date: June 26, 2019 at 2:29:40 PM EDT
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Cc: "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: Fwd: Ex. 7(A) **EP/CD Update**

Sent from my iPhone
Begin forwarded message:

From: "Armor, Suzanne" <Armor.Suzanne@epa.gov>
Date: June 26, 2019 at 2:24:02 PM EDT
To: "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Gordon, Scott" <Gordon.Scott@epa.gov>, "Bush, William" <Bush.William@epa.gov>, "Bragan, Mary Jo" <Bragan.Maryjo@epa.gov>, "Chavez, Araceli" <Chavez.Araceli@epa.gov>, "Elliott, Richard" <Elliott.Richard@epa.gov>, "Sayre, Dennis" <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A) **SEP/CD Update**

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Ex. 5 AC/AWP/DP, Ex. 7(A)

Please let me know if you have any questions or concerns.

Thank you,
Suzanne

SUZANNE K. ARMOR | ATTORNEY-ADVISOR
United States Environmental Protection Agency
Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

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To: bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 6/26/2019 10:47:01 PM (UTC)
Subject: Re: Ex. 7(A) SEP/CD Update

Bruce,

Ex. 5 Attorney Client (AC)

On the awards, there are DOJ recipients, and Susan is sending a congratulatory note and invitation imminently. We'll cc you, and I'll send you the list separately now.

Larry

Sent from my iPhone

On Jun 26, 2019, at 6:13 PM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:

Ex. 5 AC/AWP/DP, Ex. 7(A)

On another topic: I gather EPA is in the process of announcing its gold, silver and bronze medals for the year. Is it at all possible for me to get a copy of the award recipients if they include anyone from DOJ or ENRD. I like to let our staff know about these awards. The recipients and their colleagues appreciate hearing about them.

Thanks

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, June 26, 2019 5:04 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: Fwd: Ex. 7(A) SEP/CD Update

PRIVILEGED AND CONFIDENTIAL

Bruce,

Ex. 5 AC/AWP/DP, Ex. 7(A)

Larry

Sent from my iPhone
Begin forwarded message:

> **From:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Date:** June 26, 2019 at 2:29:40 PM EDT
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject: Fwd:** Ex. 7(A) **EP/CD Update**

Sent from my iPhone
Begin forwarded message:

From: "Armor, Suzanne" <Armor.Suzanne@epa.gov>
Date: June 26, 2019 at 2:24:02 PM EDT
To: "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Gordon, Scott" <Gordon.Scott@epa.gov>, "Bush, William" <Bush.William@epa.gov>, "Bragan, Mary Jo" <Bragan.Maryjo@epa.gov>, "Chavez, Araceli" <Chavez.Araceli@epa.gov>, "Elliott, Richard" <Elliott.Richard@epa.gov>, "Sayre, Dennis" <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A) EP/CD Update

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Ex. 5 AC/AWP/DP, Ex. 7(A)

Please let me know if you have any questions or concerns.

Thank you,
Suzanne

<IMAGEOO1.PNG>SUZANNE K. ARMOR | ATTORNEY-ADVISOR
United States Environmental Protection Agency
Office of Regional Counsel
Office of Water Legal Support
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

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To: Schaaf, Eric[Schaaf.Eric@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 6/5/2019 2:07:48 PM (UTC)
Subject: RE: your message

Will do. Have a great vacation.

Larry

From: Schaaf, Eric
Sent: Wednesday, June 05, 2019 9:55 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: your message

Ex. 5 AC/DP

Eric

From: Starfield, Lawrence
Sent: Tuesday, June 4, 2019 5:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: your message

Ex. 5 AC/DP

Larry

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To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 4/22/2019 11:05:51 PM (UTC)
Subject: FW: Consent Decree

Ex. 7(A)

John/Caroline,

Here's the draft from Nat.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Starfield, Lawrence
Sent: Monday, April 22, 2019 7:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Three quick thoughts:

Ex. 5 AC/DP

Larry

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From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, April 22, 2019 5:14 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: bruce.gelber@usdoj.gov; Snow, Corinne (ENRD) <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 Attorney Client (AC)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Ex. 7(A)
Subject: Consent Decree

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
Baker · Wotring LLP
700 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002
713.980.1717 Direct
713.594.2212 Cell
713.980.1700 Main
713.980.1701 Fax
dbaker@bakerwotring.com
www.bakerwotring.com

Confidentiality Notice: The information contained in this electronic mail transmission is confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited. If this message has been sent to you in error, please reply to the sender that you have received this message in error, then delete this message without dissemination of any kind.

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Sat 4/6/2019 12:17:59 PM (UTC)
Subject: Ex. 7(A)

FYI. Positive development, I think.

Sent from my iPhone

Begin forwarded message:

From: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Date: April 5, 2019 at 6:55:51 PM EDT
To: "bodine.susan@epa.gov" <bodine.susan@epa.gov>
Cc: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>, "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>, "Mariani, Tom (ENRD)" <Tom.Mariani@usdoj.gov>
Subject: Further developments on Ex. 7(A)

Susan: Jeff asked me to find out if you are available for a call on Monday to discuss Ex. 7(A)

Ex. 5 AC/AWP/DP

Please let me know if you have time to talk on Monday. Thanks.

Cc: Patrick, Larry, Nat, Tom

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: (202) 514-4624
Facsimile: (202) 514-0557

CONFIDENTIALITY NOTICE: This communication may contain law enforcement sensitive, privileged attorney/client communications or work

product, and is not subject to disclosure. It is solely for the use of the intended recipients. Unauthorized interception, review, use or disclosure is prohibited. If you believe that you have received this e-mail in error, please notify the sender immediately, and permanently delete the email, any attachments, and all copies from your computer.

To: bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Sat 4/6/2019 12:17:13 PM (UTC)
Subject: Re: Further developments on Ex. 7(A)

Thanks, Bruce. This gives me some hope.
Larry

Sent from my iPhone

On Apr 5, 2019, at 6:56 PM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:

Susan: Jeff asked me to find out if you are available for a call on Monday to discuss Ex. 7(A)

Ex. 5 AC/AWP/DP

Please let me know if you have time to talk on Monday. Thanks.

Cc: Patrick, Larry, Nat, Tom

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To: Koslow, Karin[Koslow.Karin@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]
Cc: Traylor, Patrick[traylor.patrick@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Tue 9/10/2019 3:58:12 PM (UTC)
Subject: RE: SEPs fact sheet for Hearing Binder
OECA SEPs in Muni Cases Fact Sheet.9.10.19 w LS comments.docx

Karin,

Ex. 5 AC/DP

Larry

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Tuesday, September 10, 2019 11:26 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEPs fact sheet for Hearing Binder

Susan – attached is the SEP hearing fact sheet you requested. Many thanks to Caroline and John for drafting.

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 3:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Ex. 5 AC/DP

Can we get it by Tuesday AM?

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, September 6, 2019 2:59 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Susan –

Ex. 5 AC/DP

When do you want to see a draft?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 2:38 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: Hearing Binder Fact Sheet Check-in

Can we do a new fact sheet on the DOJ SEP policy? For next week (not today).

Susan

From: Rodrick, Christian <rodrick.christian@epa.gov>
Sent: Friday, September 6, 2019 2:30 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kasper, Amanda <Kasper.Amanda@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Struhar, Kirby <struhar.kirby@epa.gov>
Subject: Hearing Binder Fact Sheet Check-in

All,

Thank you all again for all the timely assistance you and your teams have provided OCIR in preparing and updating the Administrator's hearing prep binder. I understand there was a call this week to continually update fact sheets as actions are taken or news arises. Many of your teams have worked to provide me updates on a number of topics already this week, however, in case you have a fact sheet you would like updated in the binder, OCIR needs to have that update by 3:30PM today in order to get it into the Administrator's hearing binder before the weekend. If 3:30 is impossible, let me know and we can update it next week before hearing prep begins. If you have any questions or concerns, just reach out.

Thanks again,

Christian Rodrick
Director of House Relations, OCIR
U.S. Environmental Protection Agency
O: (202) 564-4828
C: Ex. 6

To: Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 9/9/2019 10:14:02 PM (UTC)
Subject: RE: Hearing Binder Fact Sheet Check-in

Good. Thanks.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, September 09, 2019 6:05 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Larry,

Yes, OCIR defers to us on this.

Thanks,

Caroline

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, September 09, 2019 5:48 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: FW: Hearing Binder Fact Sheet Check-in

Caroline,

Ex. 5 AC/DP

Thanks.

Larry

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, September 09, 2019 4:19 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: Hearing Binder Fact Sheet Check-in

I agree with you

Sent from my iPhone
On Sep 9, 2019, at 8:55 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Susan,
>
> **Ex. 5 AC/DP**
>
> Larry
>
> ---
>
> **From:** Starfield, Lawrence
> **Sent:** Friday, September 06, 2019 6:53 PM
> **To:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>
> **Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy

<Porter.Amy@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Re: Hearing Binder Fact Sheet Check-in

Ex. 5 AC/DP

Larry

Sent from my iPhone
On Sep 6, 2019, at 4:31 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

Ex. 5 AC/DP

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, September 06, 2019 3:27 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

We will do our best to get it to you on Tuesday morning.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 3:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Ex. 5 AC/DP

Can we get it by Tuesday AM?

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, September 6, 2019 2:59 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Susan –

Ex. 5 AC/DP

Ex. 5 AC/DP

When do you want to see a draft?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 2:38 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: Hearing Binder Fact Sheet Check-in

Can we do a new fact sheet on the DOJ SEP policy? For next week (not today).

Susan

From: Rodrick, Christian <rodrick.christian@epa.gov>
Sent: Friday, September 6, 2019 2:30 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kasper, Amanda <Kasper.Amanda@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Struhar, Kirby <struhar.kirby@epa.gov>
Subject: Hearing Binder Fact Sheet Check-in

All,

Thank you all again for all the timely assistance you and your teams have provided OCIR in preparing and updating the Administrator's hearing prep binder. I understand there was a call this week to continually update fact sheets as actions are taken or news arises. Many of your teams have worked to provide me updates on a number of topics already this week, however, in case you have a fact sheet you would like updated in the binder, OCIR needs to have that update by 3:30PM today in order to get it into the Administrator's hearing binder before the weekend. If 3:30 is impossible, let me know and we can update it next week before hearing prep begins. If you have any questions or concerns, just reach out.

Thanks again,

Christian Rodrick
Director of House Relations, OCIR
U.S. Environmental Protection Agency
O: (202) 564-4828
C: Ex. 6

To: Bailey-Morton, Ethel[Bailey-Morton.Ethel@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Fri 9/6/2019 10:36:55 PM (UTC)
Subject: Fwd: Hearing Binder Fact Sheet Check-in

Please print and put it on my chair. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Date: September 6, 2019 at 5:02:22 PM EDT
To: "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>
Cc: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>, "Shiffman, Cari" <Shiffman.Cari@epa.gov>, "Mirza, Sabah" <Mirza.Sabah@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

We will be happy to do that.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Friday, September 06, 2019 4:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Ex. 5 AC/DP

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, September 06, 2019 3:27 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

We will do our best to get it to you on Tuesday morning.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 06, 2019 3:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Neutral
Yes, we continue to follow our policy
I don't know about coordination – We can use language from their memo without characterizing it.
Can we get it by Tuesday AM?

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, September 6, 2019 2:59 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Susan –

Ex. 5 AC/DP

When do you want to see a draft?

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To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: Hearing Binder Fact Sheet Check-in

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Susan

From: Rodrick, Christian <rodrick.christian@epa.gov>
Sent: Friday, September 6, 2019 2:30 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kasper, Amanda <Kasper.Amanda@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Struhar, Kirby <struhar.kirby@epa.gov>
Subject: Hearing Binder Fact Sheet Check-in

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Thanks again,

Christian Rodrick
Director of House Relations, OCIR
U.S. Environmental Protection Agency
O: (202) 564-4828
C: Ex. 6

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 8/28/2019 9:56:00 PM (UTC)
Subject: FW: Ex. 5 AC / Ex. 7(A)

Rosemarie,

Ex. 5 AC / Ex. 7(A)

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
Sent: Wednesday, August 28, 2019 5:11 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Ex. 5 AC / Ex. 7(A)

Larry – see below. Ex. 5 AC / Ex. 7(A)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Wednesday, August 28, 2019 5:05 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Donohue, Brian (ENRD) <BDonohue@ENRD.USDOJ.GOV>; Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>; Friedman, Henry (ENRD) <HFriedman@ENRD.USDOJ.GOV>
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Mahan, Ellen (ENRD) <EMahan@ENRD.USDOJ.GOV>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Bruce

Ex. 5 AC / Ex. 7(A)

m

From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Wednesday, August 28, 2019 4:59 PM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Donohue, Brian (ENRD) <BDonohue@ENRD.USDOJ.GOV>; Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>; Friedman, Henry (ENRD) <HFriedman@ENRD.USDOJ.GOV>
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Mahan, Ellen (ENRD) <EMahan@ENRD.USDOJ.GOV>
Subject: FW: Ex. 5 AC / Ex. 7(A)

Gang: I spoke to Larry this afternoon. Here is where we came out.

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Gelber, Bruce (ENRD)
Sent: Wednesday, August 28, 2019 2:11 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I look forward to talking to you at 3:30. Call me when you're ready.

Bruce S. Gelber
Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2609
Washington, D.C. 20530-0001
Phone: (202) 514-4624
Facsimile: (202) 514-0557

CONFIDENTIALITY NOTICE: This communication may contain law enforcement sensitive, privileged attorney/client communications or work product, and is not subject to disclosure. It is solely for the use of the intended recipients. Unauthorized interception, review, use or disclosure is prohibited. If you believe that you have received this e-mail in error, please notify the sender immediately, and permanently delete the email, any attachments, and all copies from your computer.

To: bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Thur 8/22/2019 11:50:37 AM (UTC)
Subject: Re: confidential

Thanks.

Sent from my iPhone

> On Aug 21, 2019, at 7:54 PM, Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov> wrote:
>

Ex. 5 AC/DP

>
> -----Original Message-----
> From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
> Sent: Wednesday, August 21, 2019 8:43 AM
> To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
> Subject: confidential
>
> Bruce,
>
> Rosemarie is trying to set up some time with you and Tom for us to discuss next steps.
>

Ex. 5 AC/DP

>
> Larry
>
> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>
>
>
> -----Original Message-----
> From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
> Sent: Tuesday, August 20, 2019 10:01 PM
> To: Bodine, Susan <bodine.susan@epa.gov>
> Cc: bruce.gelber@usdoj.gov; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
> Subject: Re: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

Ex. 5 AC/AWP/DP

> Jeff
>
> Sent from my iPhone
>
>> On Aug 20, 2019, at 9:46 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ex. 5 AC/AWP/DP

>> Susan
>>
>> Sent from my iPad
>>
>>> On Aug 20, 2019, at 7:58 PM, Clark, Jeffrey (ENRD) <jbc1@usdoj.gov> wrote:
>>>
>>> PRIVILEGED & CONFIDENTIAL
>>> ATTORNEY WORK PRODUCT
>>> DELIBERATIVE -- FOIA-EXEMPT
>>>

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

>>> Jeff
>>>
>>>
>>> -----Original Message-----
>>> From: Bodine, Susan <bodine.susan@epa.gov>
>>> Sent: Tuesday, August 20, 2019 5:34 PM
>>> To: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>
>>> Cc: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Starfield,
>>> Lawrence <Starfield.Lawrence@epa.gov>
>>> Subject: RE: Emailing: ENRD State and Local SEP Memo Internal 8 20 19
>>> Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8
>>> 21 19.pdf
>>>
>>> Jeff,
>>>

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

>>>
>>> Susan
>>>
>>>
>>> Susan Parker Bodine
>>> Assistant Administrator
>>> Office of Enforcement and Compliance Assurance
>>> 202-564-2440
>>>
>>>
>>> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>>>
>>>
>>>
>>> -----Original Message-----
>>> From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
>>> Sent: Tuesday, August 20, 2019 11:07 AM
>>> To: Bodine, Susan <bodine.susan@epa.gov>
>>> Cc: bruce.gelber@usdoj.gov
>>> Subject: Emailing: ENRD State and Local SEP Memo Internal 8 20 19
>>> Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8

>>> 21 19.pdf
>>>
>>> Susan,
>>>

Ex. 5 AC/AWP/DP

>>>
>>> Jeff

To: Bodine, Susan[bodine.susan@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Wed 8/21/2019 11:52:27 AM (UTC)
Subject: Re: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

Ex. 5 AC/DP

Larry

Sent from my iPhone

On Aug 20, 2019, at 8:30 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ex. 5 AC/DP

Sent from my iPad

Begin forwarded message:

From: "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
Date: August 20, 2019 at 7:57:47 PM EDT
To: "Bodine, Susan" <bodine.susan@epa.gov>
Cc: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Subject: RE: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT
DELIBERATIVE -- FOIA-EXEMPT

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Jeff

-----Original Message-----
From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, August 20, 2019 5:34 PM
To: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>
Cc: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

Jeff,

Ex. 5 AC/AWP/DP

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

-----Original Message-----
From: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Sent: Tuesday, August 20, 2019 11:07 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: bruce.gelber@usdoj.gov
Subject: Emailing: ENRD State and Local SEP Memo Internal 8 20 19 Version Shared with EPA.pdf, ENRD State and Local SEP Memo Public 8 21 19.pdf

Susan,

Ex. 5 AC/AWP/DP

Jeff

To: Payne, James[payne.james@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; McDonald, Scott[mcdonald.scott@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Fri 9/22/2017 9:34:50 PM (UTC)
Subject: RE: *LARRY - Ex. 7(A)

Jim,

Just got back to my office and saw your emails. Glad you and DOJ are working out an approach. Please keep us posted.

Larry

From: Payne, James
Sent: Friday, September 22, 2017 5:21 PM
To: Coleman, Sam <Coleman.Sam@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>
Subject: Re: *LARRY - Ex. 7(A)

LARRY - an update is that Sam and I are discussing w DOJ another approach.

Sent from my iPhone
On Sep 22, 2017, at 3:37 PM, Payne, James <payne.james@epa.gov> wrote:

> ENRD front office is 202-514-2701.
>
> My suggestion is a call w the involved DOJ managers, Larry and Sam. Checking now for Larry's availability.
>
> Jim
> 214-490-6707 cell
>
> Sent from my iPhone
> On Sep 22, 2017, at 3:33 PM, Coleman, Sam <Coleman.Sam@epa.gov> wrote:
>
> Ex. 5 Deliberative Process (DP)
>
> > Samuel Coleman, P. E.,
> > Deputy Regional Administrator
> >
> > 214.665.2100 Ofc
> > 214.665. 3110 Desk
> > 214.665.2016 Cell
> >
> > Coleman.sam@epa.gov
> >
> > Sent from my iPhone
> > On Sep 22, 2017, at 4:01 PM, Payne, James <payne.james@epa.gov> wrote:
> >
> > > Larry - would you be available for a call this aft w Nat and Tom at DOJ to consult on this? They would be available. I've had a series of calls w them.
> > >
> > > Sam - could include you as well, if your DC travel schedule today allowed.
> > >
> > > Jim
> > > 214-490-6707 cell

Sent from my iPhone
Begin forwarded message:

From: payne.james@epa.gov
Date: September 21, 2017 at 3:58:37 PM CDT
To: Nathaniel.Douglas@usdoj.gov, Thomas.Carroll@USDOJ.GOV
Cc: Scott McDonald <mcdonald.scott@epa.gov>, Denton.Loren@epa.gov
Subject: E Ex. 5 AC / Ex. 7(A)

As discussed.

Ex. 5 AC / Ex. 7(A) – **Talking Points**

Ex. 5 AC / AWP / Ex. 7(A)

Sent from my iPhone

To: Traylor, Patrick[traylor.patrick@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Thur 8/8/2019 6:15:53 PM (UTC)
Subject: RE: InsideEPA Response - needs additional edits

Excellent resolution - thanks.

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: (Ex. 6
WJC South Room 3142D

From: Traylor, Patrick <traylor.patrick@epa.gov>
Sent: Thursday, August 08, 2019 1:54 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Hull, George <Hull.George@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: InsideEPA Response - needs additional edits

Ex. 5 Deliberative Process (DP)

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
202.809.8796 (m)
Ex. 6 (o)

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Thursday, August 8, 2019 1:39 PM
To: Hull, George <Hull.George@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>

Subject: RE: InsideEPA Response - needs additional edits

Ex. 5 AC/DP

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6
WJC South Room 3142D

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, August 08, 2019 1:25 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Here is a revised response. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

From: Hull, George
Sent: Thursday, August 08, 2019 12:53 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 12:26 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

OK

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, August 8, 2019 12:22 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: InsideEPA Response

Susan,

Ex. 5 AC/DP

s Ex. 5 AC/DP How about this:

Ex. 5 Deliberative Process (DP)

Cc'ing Karin to see if OCE has any concerns with the wording.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, August 08, 2019 11:56 AM
To: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: InsideEPA Response

My redraft. Any comments? Also needs coordination with DOJ.

Ex. 5 Deliberative Process (DP)

From: Egan, Patrick <egan.patrick@epa.gov>
Sent: Thursday, August 8, 2019 11:01 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: InsideEPA Response

Susan, Larry and Patrick,

Here is a proposed response to InsideEPA's inquiry. Let me know if you have any comments.

Thanks,

Pat

Ex. 5 Deliberative Process (DP)

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: Ex. 6

To: Mirza, Sabah[Mirza.Sabah@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Buterbaugh, Kristin[Buterbaugh.Kristin@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Zimny, James[zimny.james@epa.gov]; Rae, Sarah[Rae.Sarah@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Grisby, Erin[grisby.erin@epa.gov]; Ziegel, Dean[Ziegel.Dean@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]
Sent: Fri 8/16/2019 2:26:22 PM (UTC)
Subject: RE: Follow-up items from OCE weekly 8/15/19
PLAW-114publ322 WIIN Act.pdf
Memorandum regarding SEPs in Settlements with State and Local Governments (August 9, 2019).pdf

On SEP strategy meeting,

Ex. 5 AC/DP

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Thursday, August 15, 2019 5:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Grisby, Erin <grisby.erin@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/15/19

Hi all,

Here are the follow-up items from today's OCE meeting:

1.
2.
3.

Ex. 5 DP / Ex. 7(A)

4. Set up EPA SEP Strategy Meeting

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, August 8, 2019 11:37 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Brooks, Phillip
~~~~~~~~~~~~~~~~~~~~~~

<Brooks.Phillip@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/8/19

Hi all,

Here are the follow-up items from today's OCE meeting:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Wednesday, July 31, 2019 1:45 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: Follow-up items from OCE weekly 7/31/19

Hi all,

Here are the follow-up items from today's OCE meeting:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 25, 2019 5:03 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Miles, James <miles.james@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Follow-up items from OCE weekly 7/25/19

Hi all,

Here are the follow-up items from the OCE meeting today:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 11, 2019 3:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Follow-up items from OEC weekly 7/11/19

Hi all,

Here are the follow-up items from the OCE meeting today:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah
~~~~~~~~~~~~~~~~~~~~~~~

~~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176
~~~~~~~~~~~~~~~~~~~~~~~

To: Mirza, Sabah[Mirza.Sabah@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Buterbaugh, Kristin[Buterbaugh.Kristin@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Zimny, James[zimny.james@epa.gov]; Rae, Sarah[Rae.Sarah@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Grisby, Erin[grisby.erin@epa.gov]; Ziegel, Dean[Ziegel.Dean@epa.gov]; Makepeace, Caroline[Makepeace.Caroline@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]
Sent: Fri 8/16/2019 2:58:07 PM (UTC)
Subject: RE: Follow-up items from OCE weekly 8/15/19
PLAW-114publ322 WIIN Act.pdf
Memorandum regarding SEPs in Settlements with State and Local Governments (August 9, 2019).pdf

On SEP strategy meeting,

Ex. 5 AC/DP

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Thursday, August 15, 2019 5:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Grisby, Erin <grisby.erin@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/15/19

Hi all,

Here are the follow-up items from today's OCE meeting:

1. **Ex. 5 AC / Ex. 7(A)**
2.
3.
4. Set up EPA SEP Strategy Meeting

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, August 8, 2019 11:37 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Brooks, Phillip
~~~~~~~~~~~~~~~~~~~~~~

<Brooks.Phillip@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Follow-up items from OCE weekly 8/8/19

Hi all,

Here are the follow-up items from today's OCE meeting:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Wednesday, July 31, 2019 1:45 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: Follow-up items from OCE weekly 7/31/19

Hi all,

Here are the follow-up items from today's OCE meeting:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 25, 2019 5:03 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Miles, James <miles.james@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Follow-up items from OCE weekly 7/25/19

Hi all,

Here are the follow-up items from the OCE meeting today:

Ex. 5 DP / Ex. 7(A)

Thanks,
Sabah

~~~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Mirza, Sabah
Sent: Thursday, July 11, 2019 3:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Follow-up items from OEC weekly 7/11/19

Hi all,

Here are the follow-up items from the OCE meeting today:

2 **Ex. 5 DP / Ex. 7(A)**

Thanks,
Sabah
~~~~~~~~~~~~~~~~~~~~~~~~

~~~~~~~~~~~~~~~~~~~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176
~~~~~~~~~~~~~~~~~~~~~~~

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]
From: bodine.susan@epa.gov[bodine.susan@epa.gov]
Sent: Sun 7/14/2019 10:05:38 PM (UTC)
Subject: Fwd: Draft SEPs State/Local Memo
ENRD State and Local SEP Memo External Draft 1.docx
ATT00001.htm

Let's read before forwarding to our folks

Sent from my iPad

Begin forwarded message:

From: "Clark, Jeffrey (ENRD)" <jbc1@usdoj.gov>
Date: July 14, 2019 at 4:38:27 PM EDT
To: "bodine.susan@epa.gov" <bodine.susan@epa.gov>
Cc: "Brightbill, Jonathan (ENRD)" <Jonathan.Brightbill@usdoj.gov>, "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>
Subject: Draft SEPs State/Local Memo

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

To: Bodine, Susan[bodine.susan@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Thur 6/27/2019 12:31:48 PM (UTC)
Subject: FW: Ex. 7(A)

Status of Ex. 7(A) negotiations, FYI.

From: Payne, James
Sent: Wednesday, June 26, 2019 9:57 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Seager, Cheryl <Seager.Cheryl@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Ex. 7(A)

Hi Rosemarie, Larry – sharing FYI this process update Ex. 5 Attorney Work Product (AWP)

From: Herbert, Rusty
Sent: Wednesday, June 26, 2019 10:38 AM
To: Payne, James <payne.james@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A) Status Update week of 6/26/2019

Ex. 5 Attorney Work Product (AWP)

To: Bodine, Susan[bodine.susan@epa.gov]
Cc: Brightbill, Jonathan (ENRD)[Jonathan.Brightbill@usdoj.gov]; bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]
From: Clark, Jeffrey (ENRD)[jbc1@usdoj.gov]
Sent: Sun 7/14/2019 8:38:27 PM (UTC)
Subject: Draft SEPs State/Local Memo
ENRD State and Local SEP Memo External Draft 1.docx
ATT00001.htm

Susan, please see the attached.

Ex. 5 Attorney Client (AC)

Jeff

To: Bodine, Susan[bodine.susan@epa.gov]
From: Idsal, Anne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: Wed 3/13/2019 5:59:27 PM (UTC)
Subject: Fwd: Ex. 5 AC/AWP/DP Ex 7a

Ex. 5 AC/AWP/DP Ex 7a

Sent from my iPhone

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>
Date: March 13, 2019 at 12:33:07 PM CDT
To: "Idsal, Anne" <idsal.anne@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Gray, David" <gray.david@epa.gov>
Cc: "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gilrein, Stephen" <gilrein.stephen@epa.gov>, "Ordonez, Efren" <Ordonez.Efren@epa.gov>, "McDonald, Scott" <mcdonald.scott@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
Subject: Ex. 5 AC/AWP/DP Ex 7a

Ex. 5 AC/AWP/DP Ex 7a

From: Ordonez, Efren
Sent: Tuesday, March 12, 2019 5:12 PM
To: Payne, James <payne.james@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>
Cc: Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 5 AC/AWP/DP Ex 7a

Ex. 5 AC/AWP/DP Ex 7a

Ex. 5 AC/AWP/DP Ex 7a

If you have any questions or want more detailed information, please let me know.

Efren Ordóñez
Senior Attorney (ORC)
EPA, Region 6
Ex. 6 PP / Ex. 7(C)

To: Bodine, Susan[bodine.susan@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Thur 4/11/2019 4:54:27 PM (UTC)
Subject: FW: Consent Decree

Ex. 5 Deliberative Process (DP)

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, April 11, 2019 12:46 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Subject: FW: Consent Decree

Ex. 7(A)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Wednesday, April 10, 2019 8:21 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>
Cc: Ex. 7(A)
Subject: Consent Decree

Ex. 7(A)

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
Baker · Wotring LLP
700 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002
713.980.1717 Direct
713.594.2212 Cell
713.980.1700 Main
713.980.1701 Fax
dbaker@bakerwotring.com
www.bakerwotring.com

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To: Panuccio, Jesse (OASG)[Jesse.Panuccio@usdoj.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 5/3/2019 5:04:49 PM (UTC)
Subject: RE: Follow-Up Note on SEPs

Thank you,

Susan

From: Panuccio, Jesse (OASG) <Jesse.Panuccio@usdoj.gov>
Sent: Friday, May 3, 2019 12:06 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>; bruce.gelber@usdoj.gov; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Davis, Patrick (OASG) <Patrick.Davis@usdoj.gov>
Subject: RE: Follow-Up Note on SEPs

Dear Susan,

Ex. 5 AC/DP

All best,

Jesse

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, May 2, 2019 1:02 PM
To: Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Follow-Up Note on SEPs

Jesse,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thank you for your partnership with EPA during your time at DOJ.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

To: Clark, Jeffrey (ENRD)[jbc1@usdoj.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Thur 10/3/2019 5:25:31 PM (UTC)
Subject: RE: Ex. 5 AC/AWP/DP

Ex. 7(A) ummary 10 2 19 rev.docx

Ex. 5 AC/AWP/DP Ex 7a

Susan

From: Bodine, Susan
Sent: Friday, September 27, 2019 4:43 PM
To: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: Ex. 5 AC/AWP/DP

Jeff,

As I mentioned to you, Ex. 5 AC/AWP/DP The transmittal note and the settlement summaries are attached.
Please let me know if you need additional information.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

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****

From: Susan Bodine

To: Claire Murray

Thru: Jeff Clark

Ex. 5 AC/AWP/DP/Ex 7a

Ex. 5 AC/AWP/DP/Ex 7a

Please let me know if you would like to discuss this further. I appreciate your consideration of this request.

Appointment

From: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
Sent: 8/6/2019 7:18:19 PM
To: Walker, Yolaanda [Walker.Yolaanda@epa.gov]; Aber, Bruce [Aber.Bruce@epa.gov]; Teter, Royan [Teter.Royan@epa.gov]
CC: Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]; Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]; Voo, Leonard [Voo.Leonard@epa.gov]

Subject: Canceled: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System
Location: Call in number 1-855-564-1700, conference extension- 1104845, participate code 234567 - HQ folks meet in Greg's office

Start: 8/7/2019 8:30:00 PM
End: 8/7/2019 9:00:00 PM
Show Time As: Free

Importance: High

HQ folks meet in Greg's office.

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

[redacted]

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Are you available preferably tomorrow (Wed August 7) at 4:15? Or else on Thursday (August 8) at 1:30?

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
DELIBERATIVE PROCESS/ENFORCEMENT CONFIDENTIAL
DO NOT RELEASE UNDER FOIA

Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 b[redacted]ve C[redacted] (S[redacted] in[redacted] be[redacted]

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

[redacted]eliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

(212) 637-3224 (phone)
Aber.bruce@epa.gov

Talking Points – United States v. Nassau County -Centralized Monitoring System 7/30/19

September 27, 2012: EPA entered into an administrative Consent Agreement/Final Order (CA/FO) with Nassau County on Long Island, NY to resolve substantial non-compliance with UST requirements at approximately 50 facilities.

All of Nassau County's USTs are incidental to the services provided by the County; that is, none of the facilities is solely dedicated to the operation of USTs or to the dispensing of fuel (as a gasoline service station might be), therefore monitoring compliance of USTs is more difficult.

> County-owned USTs are found at police precincts, public parks, administration buildings, court and correctional facilities, Nassau Coliseum, Nassau Community College, municipal garages, waste water treatment facilities, and bus-depots to fuel government vehicles associated with those public works.

Each facility lies over a sole source aquifer used for drinking water by County residents.

The CAFO required the County to pay a civil penalty of $400,000 and to perform injunctive relief to come into compliance. Additionally, the parties agreed that Nassau would undertake two supplemental environmental projects: land acquisition to protect groundwater, and a centralized monitoring system (CMS) to enhance release detection on all the County's UST systems.

The CMS SEP involved the installation and integration of communication equipment into Nassau's automated release detection systems, thereby enabling remote monitoring of release detection of Nassau's USTs 24 hours/7 days per week/365 days per year from a central location. By funneling data from the County's disparate facilities into a single location with the responsibility and expertise for its review, the CMS SEP was intended to enhance Nassau's release detection and improve detection of problems and response time.

Nassau failed to implement or complete the following injunctive relief requirements well after the deadlines in the CA/FO: release detection, overfill prevention, piping tightness testing and permanent closure. The County completed the first SEP (the land acquisition) but did not implement the CMS SEP.

In 2014-15, Nassau hired a contractor to audit its compliance with the UST requirements at 52 locations. The contractor found widespread noncompliance with the release detection requirements, in particular.

EPA referred the case to DOJ on September 30, 2015.

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

ED_004082B_00000058-00001

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

From the regulatory options available, Nassau County chose automatic tank gauging (ATG) as its method of release detection.

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 9/27/2019 1:05:31 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]; Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
CC: Sawyer, William [Sawyer.William@epa.gov]
Subject: Ex. 7(A)

Ex. 5 - DP/AC/AWP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Friday, September 27, 2019 8:45 AM
To: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - DP/AC/AWP

Diane, what do you think?

Bruce

From: Gutierrez, Claudia
Sent: Friday, September 27, 2019 8:04 AM
To: Diane.Beckmann@usdoj.gov
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>
Subject: Ex. 7(A)

Good morning:

Ex. 5 - DP/AC/AWP

Thoughts?

Claudia Gutierrez
212-637-5036

On Sep 26, 2019, at 5:26 PM, Ex. 7(A) wrote:

Hi Matthew and Diane,

Ex. 5 - DP/AWP

Ex. 5 - DP/AWP

Thank you

Ex. 7(A)

All material contained in this email, including attachments, is privileged and intended solely for the person to whom the email has been addressed. The email and attached files are confidential.

This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination,forwarding, printing, copying, or other distribution of this email message and any attached files is strictly prohibited. If you have received this confidential communication in error, please notify the sender immediately by reply email message and permanently delete the original message.

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, September 13, 2019 12:58 PM
To: Ex. 7(A); Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; 'aber.bruce@epa.gov' <aber.bruce@epa.gov>; Gutierrez.Claudia@epa.gov
Subject: Ex. 5 - DP/AWP
Importance: High

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Jane,

Ex. 5 - DP/AWP

Ex. 5 - DP/AWP

Ex. 5 - DP/AWP

Ex. 5 - DP/AWP

Truly,
Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 9/27/2019 12:07:29 PM
To: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
CC: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Sawyer, William [Sawyer.William@epa.gov]; Aber, Bruce [Aber.Bruce@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Sent: Friday, September 27, 2019 8:04 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>
Subject: Re: Ex. 7(A)

Good morning:

Ex. 5 AC/AWP/DP

Claudia Gutierrez
212-637-5036

On Sep 26, 2019, at 5:26 PM, Houdek, Jane M <jhoudek@nassaucountyny.gov> wrote:

Hi Matthew and Diane,

Ex. 7(A)

All material contained in this email, including attachments, is privileged and intended solely for the person to whom the email has been addressed. The email and attached files are confidential.

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any attached files is strictly prohibited. If you have received this confidential communication in error, please notify the sender immediately by reply email message and permanently delete the original message.

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, September 13, 2019 12:58 PM
To: Ex. 7(A) Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; 'aber.bruce@epa.gov' <aber.bruce@epa.gov>; Gutierrez.Claudia@epa.gov
Subject: Ex. 7(A)
Importance: High

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Jane,

Ex. 7(A)

Ex. 7(A)

Truly,

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 9/19/2019 12:06:45 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
CC: Sawyer, William [Sawyer.William@epa.gov]; Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Subject: Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Wednesday, September 18, 2019 5:27 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Ex. 5 AC/AW/DP

Matt/Diane,

Ex. 5 AC/AWP/DP

Bruce

From: Silverman, Matthew (USANYE) [mailto:Matthew.Silverman@usdoj.gov]
Sent: Friday, September 13, 2019 12:58 PM
To: Ex. 7(A) Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Aber, Bruce [Aber.Bruce@epa.gov]
Sent: 9/13/2019 6:26:53 PM
To: Ex. 7(A)
CC: gutierez.claudia@epa.gov
Subject: Ex. 7(A)
Attachments:

Hi Jane,
Please confirm your receipt of the email below from the AUSA-EDNY.
Thanks
Bruce

Bruce Aber
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
aber.bruce@epa.gov

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, September 13, 2019 12:58 PM
To: Ex. 7(A); Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Ex. 7(A)

Dear Jane,

Ex. 7(A)

Ex. 7(A)

separate section for reporting and recordkeeping violations.

Ex. 7(A)

Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 8/28/2019 10:22:49 PM
To: Sawyer, William [Sawyer.William@epa.gov]
CC: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Sawyer, William <Sawyer.William@epa.gov>
Sent: Wednesday, August 28, 2019 3:57 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Cc: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Sawyer, William [Sawyer.William@epa.gov]
Sent: 8/28/2019 7:02:25 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Thursday, July 11, 2019 1:21 PM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: Ex. 5 AC/AWP/DP
Importance: High

ENFORCEMENT CONFIDENTIAL

Mark,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Sawyer, William [Sawyer.William@epa.gov]
Sent: 8/21/2019 10:21:16 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: FW: Nassau County CMS Talking Points for Susan Bodine
Attachments: Nassau County CMS Region 2 Talking Points August 7 2019.docx

Is this the last version of Talking Points that we are aware of ?

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Wednesday, August 07, 2019 5:53 PM
To: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>
Subject: FW: Nassau County CMS Talking Points for Susan Bodine

FY Ex. 5 Deliberative Process (DP),Attorney Client,Attorney Work Product
pre g
this.

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Bruce

From: Aber, Bruce
Sent: Wednesday, August 7, 2019 4:36 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Nassau County CMS Talking Points for Susan Bodine
Importance: High

Yolanda,
Please find attached the final Talking Points. We took out the two bracketed paragraphs that we previously c

Please send the attachment t Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product on Friday.

Thank you.

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 3:20 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Saenz, Diana <Saenz.Diana@epa.gov>
Sent: Wednesday, August 7, 2019 3:16 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

-----Original Appointment-----
From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 10:48 AM
To: Teter, Royan; Sullivan, Greg
Cc: Saenz, Diana
Subject: Canceled: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)
When: Wednesday, August 7, 2019 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Greg's office
Importance: High

Enforcement Confidential

Thought it would be good for us to meet prior to our call with Region 2. Eric Schaaf a meet with us. Should be include Karin as well?

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

T Ve
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Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
DELIBERATIVE PROCESS/ENFORCEMENT CONFIDENTIAL
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Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative CA/FO, as well as the CMS SEP. [redacted]

Ex. 5 Deliberative Process (DP) & Attorn

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber

Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

- September 27, 2012: EPA entered into an administrative Consent Agreement/Final Order (CA/FO) with Nassau County on Long Island, N.Y., to resolve substantial non-compliance with UST requirements at approximately 50 facilities.
- County-owned USTs are found at police precincts, public parks, administration buildings, court and correctional facilities, municipal garages, waste water treatment facilities, and bus-depots to fuel government vehicles associated with those public works.
- **Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product**
- Each facility lies over a sole source aquifer used for drinking water by County residents.
- The CAFO required the County to pay a civil penalty of $400,000 and to perform injunctive relief to come into compliance. Additionally, the parties agreed that Nassau would undertake two supplemental environmental projects: land acquisition to protect groundwater, and a centralized monitoring system (CMS) to enhance release detection on all the County's UST systems.
- The CMS SEP involved the installation and integration of communication equipment (modems, wiring, data loggers) into Nassau's automated tank gauging (ATG) release detection systems, thereby enabling remote monitoring of release detection of Nassau's USTs 24 hours/7 days per week/365 days per year from a central location. By funneling data from the County's disparate facilities into a single location with the responsibility and expertise for its review, the CMS SEP was intended to enhance Nassau's release detection and improve detection of problems and response time.
- Nassau failed to implement or complete the following injunctive relief requirements well after the deadlines in the CA/FO: release detection, overfill prevention, piping tightness testing and permanent closure. The County completed the first SEP (the land acquisition) but did not implement the CMS SEP.
- In 2014-15, Nassau hired a contractor to audit its compliance with the UST requirements at 52 locations. The contractor found widespread noncompliance with the release detection requirements, in particular.
- EPA referred the case to DOJ on September 30, 2015.
- **Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product**

- Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product
- Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product
  - Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product
- Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

-
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-
-

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Message

From: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
Sent: 8/7/2019 8:40:22 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: RE: Nassau County CMS Talking Points for Susan Bodine

Thanks Bruce.

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Wednesday, August 7, 2019 4:36 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Nassau County CMS Talking Points for Susan Bodine
Importance: High

Yolanda,
Please find attached the final Talking Points. W Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product .

Please send the attachment to Susan Bodine in Ex. 5 Deliberative Process (DP),Attorney Client,Attorney Work Product k on Friday.

Thank you.

Bruce

Sincerely,

Bruce Aber

Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 3:20 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

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From: Saenz, Diana <Saenz.Diana@epa.gov>
Sent: Wednesday, August 7, 2019 3:16 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

-----Original Appointment-----
From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 10:48 AM
To: Teter, Royan; Sullivan, Greg
Cc: Saenz, Diana
Subject: Canceled: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)
When: Wednesday, August 7, 2019 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Greg's office
Importance: High

Enforcement Confidential

Thought it would be good for us to meet prior to our call with Region 2. Eric Schaaf a meet with us. Should be include Karin as well?

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

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Royan and Yolanda,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Our Regional Counsel, Eric Schaaf, asked us to set up a conference call with you to discuss the Talking Points prior to it being shared with Susan Bodine. Ex. 5 Deliberative Process (DP),Attorney Client,Attorney Work Product on Friday afternoon.

Are you available preferably tomorrow (Wed August 7) at 4:15? Or else on Thursday (August 8) at 1:30?

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative CA/FO, as well as the CMS SEP. We recently settled with Nassau County for Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Appointment

From: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
Sent: 8/7/2019 5:38:05 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]; Teter, Royan [Teter.Royan@epa.gov]
CC: Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]; Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]; Voo, Leonard [Voo.Leonard@epa.gov]

Subject: Canceled: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System
Location: Call in number 1-855-564-1700, conference extension- 1104845, participate code 234567 - HQ folks meet in Greg's office

Start: 8/7/2019 8:30:00 PM
End: 8/7/2019 9:00:00 PM
Show Time As: Free

Importance: High

HQ folks meet in Greg's office.

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Are you available preferably tomorrow (Wed August 7) at 4:15? Or else on Thursday (August 8) at 1:30?

Please let us know.

Thanks

Bruce

Bruce Aber

Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,
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Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)

Aber.bruce@epa.gov

Message

From: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
Sent: 8/7/2019 4:41:04 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: RE: Nassau County

Bruce,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

Confidential: This transmission may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, please delete it from your machine and all storage media, whether electronic or hard copy.

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Wednesday, August 7, 2019 11:20 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Subject: Nassau County

Hi Yolanda,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

After I hear back from you I will inform Eric and see if he still wants to have a call at 4:30.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Sent: 8/6/2019 1:09:44 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
CC: Simon, Paul [Simon.Paul@epa.gov]; Sawyer, William [Sawyer.William@epa.gov]; Aber, Bruce [Aber.Bruce@epa.gov]
Subject: FW: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Attachments: Nassau County CMS ORC Talking Points August 5 2019 (002).docx

Importance: High

FYI

G Ex. 5 Deliberative Process (DP),Attorney Client,Attorney Work Product There's some confusion as to Rosemarie's schedule this week, so Greg and Royan (Pesticides and Tanks Enforcement Branch Chief in WCED) agreed to pick up the Nassau talking points and try to get Susan briefed.

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Monday, August 05, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
DELIBERATIVE PROCESS/ENFORCEMENT CONFIDENTIAL
DO NOT RELEASE UNDER FOIA

Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative CA/FO, as well as the CMS SEP.

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber

Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

- September 27, 2012: EPA entered into an administrative Consent Agreement/Final Order (CA/FO) with Nassau County on Long Island, N.Y., to resolve substantial non-compliance with UST requirements at approximately 50 facilities.
- County-owned USTs are found at police precincts, public parks, administration buildings, court and correctional facilities, municipal garages, waste water treatment facilities, and bus-depots to fuel government vehicles associated with those public works.
- **Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product**
- Each facility lies over a sole source aquifer used for drinking water by County residents.
- The CAFO required the County to pay a civil penalty of $400,000 and to perform injunctive relief to come into compliance. Additionally, the parties agreed that Nassau would undertake two supplemental environmental projects: land acquisition to protect groundwater, and a centralized monitoring system (CMS) to enhance release detection on all the County's UST systems.
- **Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product**

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Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

-
-

for release detection, reporting, or investigation without a CMS.

-
- Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product
-
-

Message

From: Sawyer, William [Sawyer.William@epa.gov]
Sent: 11/14/2018 2:22:16 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
CC: Shapiro, Naomi [Shapiro.Naomi@epa.gov]; Aber, Bruce [Aber.Bruce@epa.gov]
Subject: New DOJ state/local gov't consent decree policy
Attachments: Consent decree memo.pdf

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

From: Villatora, Liliana
Sent: Thursday, November 08, 2018 4:21 PM
To: Sawyer, William <Sawyer.William@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Lieber, Thomas <Lieber.Thomas@epa.gov>; Capon, Virginia <Capon.Virginia@epa.gov>; Mellott, Deborah <Mellott.Deborah@epa.gov>; Fischer, Douglas <Fischer.Douglas@epa.gov>; Doyle, James <Doyle.James@epa.gov>
Subject: FW: FYI New DOJ state/local gov't consent decree policy

Forwarding in case you haven't seen this

From: Flynn, Peter (ENRD) <Peter.Flynn@usdoj.gov>
Sent: Thursday, November 8, 2018 2:37 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: FYI New DOJ state/local gov't consent decree policy

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 7/12/2019 4:23:21 AM
To: Aber, Bruce [Aber.Bruce@epa.gov]
CC: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]; Sawyer, William [Sawyer.William@epa.gov]
Subject: Re: Ex. 7(A)

Thanks Bruce. I'll look at this soon.

-Mark

On Jul 11, 2019, at 1:23 PM, Aber, Bruce <Aber.Bruce@epa.gov> wrote:

ENFORCEMENT CONFIDENTIAL

Mark,

Deliberative Process, Attorney Client and Attorney WP

If you have any questions or wish to discuss any of the changes I made further, please let me know.

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Ex. 7(A)

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 7/9/2019 5:28:30 PM
To: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
CC: Aber, Bruce [Aber.Bruce@epa.gov]; Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]; Sawyer, William [Sawyer.William@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Subject: RE: Ex. 7(A)

Works for me

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, July 9, 2019 1:26 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Cc: Aber, Bruce <Aber.Bruce@epa.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Re Ex. 7(A)

Hi guys.

I'm still in meetings. But heading back soon. Can we move this call back to 2:15?

M
On Jul 9, 2019, at 12:01 PM, Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov> wrote:

Bruce, can you please send a conference line? I can call in.

Thanks,
matt

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, July 9, 2019 11:50 AM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Re Ex. 7(A)

Sorry just read through the full message. Yes I can call you at 2 pm. Or after

-Mark

On Jul 9, 2019, at 11:44 AM, Aber, Bruce <Aber.Bruce@epa.gov> wrote:

ENFORCEMENT CONFIDENTIAL

Mark,

Deliberative Process, Attorney Client, and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

We are free after 2 p.m. today to discuss.

Thanks.
Bruce

Ex. 7(A)

Message

From: Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Sent: 7/9/2019 4:03:29 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: RE: Ex. 7(A)

If you want me on the line, I am available between 3:30 and 4 and then again after 4:30

From: Aber, Bruce
Sent: Tuesday, July 09, 2019 11:42 AM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Ex. 7(A)

ENFORCEMENT CONFIDENTIAL

Mark,

Deliberative Process, Attorney Client and Attorney WP

Thanks.
Bruce

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 7/9/2019 3:48:55 PM
To: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; Aber, Bruce [Aber.Bruce@epa.gov]
CC: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Sawyer, William [Sawyer.William@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Subject: RE: Ex. 7(A)

I am not available today, but please have the call without me.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, July 9, 2019 11:47 AM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Re: Ex. 7(A)

I should be available after 1:30. I can call in

-Mark

On Jul 9, 2019, at 11:44 AM, Aber, Bruce <Aber.Bruce@epa.gov> wrote:

ENFORCEMENT CONFIDENTIAL

Mark,

Deliberative Process, Attorney Client and Attorney WP

We are free after 2 p.m. today to discuss.

Thanks.

Ex. 7(A)

Message

From: Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Sent: 7/2/2019 9:21:07 PM
To: Aber, Bruce [Aber.Bruce@epa.gov]
Subject: Nassau

From: Schaaf, Eric
Sent: Tuesday, July 02, 2019 5:14 PM
To: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>
Subject: RE: SEPs in Northport NY case

No problem with that – please let him know the status. I'll check back with OECA next week on Nassau.

From: Shapiro, Naomi
Sent: Tuesday, July 2, 2019 5:12 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>
Subject: RE: SEPs in Northport NY case

Deliberative Process, Attorney Client and Attorney WP

From: Schaaf, Eric
Sent: Tuesday, July 02, 2019 4:22 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: RE: SEPs in Northport NY case

Rosemarie – Thanks for the follow-up. **Deliberative Process, Attorney Client and Attorney WP**

From: Kelley, Rosemarie
Sent: Tuesday, July 2, 2019 3:52 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: FW: SEPs in Northport NY case

Eric, Paul—

Deliberative Process, Attorney Client and Attorney WP

Rosemarie

From: Bodine, Susan
Sent: Monday, July 01, 2019 1:25 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: SEPs in Northport NY case

Deliberative Process, Attorney Client and Attorney WP

Thanks,

Susa

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 1:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: SEPs in Northport NY case

Susan—

Deliberative Process, Attorney Client and Attorney WP

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 9/26/2019 10:22:37 PM
To: Personal Privacy
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

Importance: High

From: Silverman, Matthew (USANYE) [mailto:Matthew.Silverman@usdoj.gov]
Sent: Friday, September 13, 2019 12:58 PM
To: Ex. 7(A) Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Ex. 7(A)
Importance: High

Ex. 7(A)

Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney

Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 9/26/2019 10:20:44 PM
To: Personal Privacy
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

From: Silverman, Matthew (USANYE) [mailto:Matthew.Silverman@usdoj.gov]
Sent: Wednesday, September 11, 2019 11:40 AM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

matt

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Wednesday, September 11, 2019 11:31 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Willkie Sawyer <sawyer.william@epa.gov>; Bruce Aber <aber.bruce@epa.gov>
Subject: Ex. 7(A)

Matt, Diane, Willkie and Bruce

s

Deliberative Process, Attorney Client and Attorney WP

-m

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 9/11/2019 4:07:13 PM
To: Sawyer, William [Sawyer.William@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

From: Silverman, Matthew (USANYE) [mailto:Matthew.Silverman@usdoj.gov]
Sent: Wednesday, September 11, 2019 11:40 AM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

matt

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Wednesday, September 11, 2019 11:31 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Willkie Sawyer <sawyer.william@epa.gov>; Bruce Aber <aber.bruce@epa.gov>
Subject: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

-m

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 9/9/2019 6:19:14 PM
To: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
CC: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Subject:
Attachments: Ex. 7(A)

Importance: High

Deliberative Process, Attorney Client and Attorney WP

Thanks

Bruce

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 9/6/2019 12:18:07 AM
To: Personal privacy
Subject:
Attachments:

Ex. 7(A)

Importance: High

From: Aber, Bruce
Sent: Thursday, July 11, 2019 1:21 PM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: Ex. 7(A)
Importance: High

ENFORCEMENT CONFIDENTIAL

Mark,

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/29/2019 9:03:08 PM
To: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]; Voo, Leonard [Voo.Leonard@epa.gov]
Subject: Ex. 7(A)

I forgot to mark the two prior emails i forwarded to you this afternoon as Enforcement Confidential/Attorney-Client Privilege/Do Not Release Under FOIA
Please consider them as such. Thanks.
See below.
ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE
DO NOT RELEASE UNDER FOIA

From: Sawyer, William <Sawyer.William@epa.gov>
Sent: Tuesday, August 27, 2019 4:20 PM
To: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Subject: RE: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Tuesday, August 27, 2019 3:19 PM
To: Sawyer, William <Sawyer.William@epa.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Subject: RE: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation

Civil Division, EDNY
718-254-6409

From: Sawyer, William <Sawyer.William@epa.gov>
Sent: Tuesday, August 27, 2019 2:08 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/28/2019 7:19:47 PM
To: Sawyer, William [Sawyer.William@epa.gov]
Subject: RE: Ex. 7(A)

See my responses below.

From: Sawyer, William
Sent: Wednesday, August 28, 2019 3:02 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Thursday, July 11, 2019 1:21 PM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: Ex. 7(A)
Importance: High

ENFORCEMENT CONFIDENTIAL

Mark,

Deliberative Process, Attorney Client and Attorney WP

If you have any questions or wish to discuss any of the changes I made further, please let me know.

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 3/7/2019 1:32:02 AM
To: Sawyer, William [Sawyer.William@epa.gov]
Subject: FW: Ex. 7(A)

Ex. 5 AC/DP

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Wednesday, March 6, 2019 7:44 AM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, March 5, 2019 1:55 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: FW: Ex. 7(A)

Hi Diane,

Ex. 5 AC/DP

Thanks
Bruce

From: Aber, Bruce
Sent: Thursday, February 28, 2019 11:36 AM
To: 'Beckmann, Diane (USANYE)' <Diane.Beckmann@usdoj.gov>
Cc: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Ex. 7(A)

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/21/2019 10:25:24 PM
To: Sawyer, William [Sawyer.William@epa.gov]
Subject: RE: Nassau County CMS Talking Points for Susan Bodine

Yes

From: Sawyer, William
Sent: Wednesday, August 21, 2019 6:21 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: FW: Nassau County CMS Talking Points for Susan Bodine

Is this the last version of Talking Points that we are aware of ?

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Wednesday, August 07, 2019 5:53 PM
To: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>
Subject: FW: Nassau County CMS Talking Points for Susan Bodine

Deliberative Process, Attorney Client and Attorney WP

Bruce

From: Aber, Bruce
Sent: Wednesday, August 7, 2019 4:36 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Nassau County CMS Talking Points for Susan Bodine
Importance: High

Yolanda,

Deliberative Process, Attorney Client and Attorney WP

Thank you.

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 3:20 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

Deliberative Process, Attorney Client and Attorney WP

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

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http://www.epa.gov/compliance/complaints/index.html

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From: Saenz, Diana <Saenz.Diana@epa.gov>
Sent: Wednesday, August 7, 2019 3:16 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Deliberative Process, Attorney Client and Attorney WP

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

-----Original Appointment-----
From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 10:48 AM
To: Teter, Royan; Sullivan, Greg
Cc: Saenz, Diana
Subject: Canceled: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)
When: Wednesday, August 7, 2019 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Greg's office
Importance: High

Enforcement Confidential

Thought it would be good for us to meet prior to our call with Region 2. Eric Schaaf a meet with us. Should be include Karin as well?

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

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ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

Are you available preferably tomorrow (Wed August 7) at 4:15? Or else on Thursday (August 8) at 1:30?

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative CA/FO, as well as the CMS SEP. **deliberate privilege, atty work prod, atty client**

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/7/2019 9:53:05 PM
To: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]; Voo, Leonard [Voo.Leonard@epa.gov]
CC: Sawyer, William [Sawyer.William@epa.gov]
Subject: FW: Nassau County CMS Talking Points for Susan Bodine
Attachments: Nassau County CMS Region 2 Talking Points August 7 2019.docx

Deliberative Process, Attorney Client and Attorney WP

Bruce

From: Aber, Bruce
Sent: Wednesday, August 7, 2019 4:36 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Nassau County CMS Talking Points for Susan Bodine
Importance: High

Yolanda,

Deliberative Process, Attorney Client and Attorney WP

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 3:20 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>

Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

Deliberative Process, Attorney Client and Attorney WP

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

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Sent: Wednesday, August 7, 2019 3:16 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Deliberative Process, Attorney Client and Attorney WP

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.

Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

-----Original Appointment-----
From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 10:48 AM
To: Teter, Royan; Sullivan, Greg
Cc: Saenz, Diana
Subject: Canceled: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)
When: Wednesday, August 7, 2019 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Greg's office
Importance: High

Enforcement Confidential

Deliberative Process, Attorney Client and Attorney WP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

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Royan and Yolanda,

Deliberative Process, Attorney Client and Attorney WP

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,

Deliberative Process, Attorney Client and Attorney WP

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/7/2019 8:35:53 PM
To: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
CC: Teter, Royan [Teter.Royan@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: RE: Nassau County CMS Talking Points for Susan Bodine
Attachments: Nassau County CMS Region 2 Talking Points August 7 2019.docx

Importance: High

Yolanda,

Deliberative Process, Attorney Client and Attorney WP

Thank you.

Bruce

Sincerely,

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

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To: Aber, Bruce <Aber.Bruce@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

Deliberative Process, Attorney Client and Attorney WP

Yolaanda Walker

****

Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch

Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

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Sent: Wednesday, August 7, 2019 3:16 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: RE: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Deliberative Process, Attorney Client and Attorney WP

Diana J. Saenz
Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

-----Original Appointment-----
From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 10:48 AM
To: Teter, Royan; Sullivan, Greg
Cc: Saenz, Diana
Subject: Canceled: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)
When: Wednesday, August 7, 2019 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Greg's office
Importance: High

Enforcement Confidential

Deliberative Process, Attorney Client and Attorney WP

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Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

We

Deliberative Process, Attorney Client and Attorney WP

f

Are you available preferably tomorrow (Wed August 7) at 4:15? Or else on Thursday (August 8) at 1:30?

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>

Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

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Hi Greg,

Deliberative Process, Attorney Client and Attorney WP

y

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/7/2019 7:52:38 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Deliberative Process, Attorney Client and Attorney WP

From: Walker, Yolaanda
Sent: Wednesday, August 7, 2019 3:20 PM
To: Aber, Bruce <Aber.Bruce@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

Deliberative Process, Attorney Client and Attorney WP

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
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Sent: Wednesday, August 7, 2019 3:16 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg

<Sullivan.Greg@epa.gov>
Subject: RE: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Deliberative Process, Attorney Client and Attorney WP

Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement/ U.S. EPA
1200 Pennsylvania Ave., N.W.
Mailcode 2249A
Washington, D.C. 20460
Phone: (202) 564-4209
Fax: (202) 564-0022
Saenz.Diana@epa.gov

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Sent: Wednesday, August 7, 2019 10:48 AM
To: Teter, Royan; Sullivan, Greg
Cc: Saenz, Diana
Subject: Canceled: Enforcement Confidential -Pre-meet (Re:Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System)
When: Wednesday, August 7, 2019 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Greg's office
Importance: High

Enforcement Confidential

Deliberative Process, Attorney Client and Attorney WP

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

Deliberative Process, Attorney Client and Attorney WP

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,

Deliberative Process, Attorney Client and Attorney WP

Deliberative Process, Attorney Client and Attorney WP

If you have any questions, please call or email me (212 637-3224 or Naomi (212 637-3221 if you have any questions.

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/7/2019 3:54:22 PM
To: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Subject: FW: Nassau County

From: Aber, Bruce
Sent: Wednesday, August 7, 2019 11:20 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Subject: Nassau County

Hi Yolanda,

Deliberative Process, Attorney Client and Attorney WP

After I hear back from you I will inform Eric and see if he still wants to have a call at 4:30.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

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Sent: 8/6/2019 2:37:53 PM
To: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Subject: FW: Nassau County Sessions Memo and CMS issue

fyi

From: Aber, Bruce
Sent: Tuesday, August 6, 2019 9:38 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Nassau County Sessions Memo and CMS issue

ENFORCEMENT CONFIDENTIAL

Hi Yolanda,

Deliberative Process, Attorney Client Privilege and Attorney WP

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
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Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/6/2019 1:41:02 PM
To: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Subject: FW: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ

Importance: High

Are you available to talk with me and HQ about this?

From: Walker, Yolaanda
Sent: Tuesday, August 6, 2019 9:35 AM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: RE: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ

I will call you at 11 am and I set up call with my branch chief to discuss further and allow him an opportunity to ask any questions.

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

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http://www.epa.gov/compliance/complaints/index.html

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From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 9:11 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Subject: RE: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ

If not this morning I am free all afternoon.

From: Walker, Yolaanda
Sent: Tuesday, August 6, 2019 9:04 AM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: RE: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ

Bruce,

I have some questions. I will call you later this morning....or let me know when you're available to chat. Thanks.

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

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From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
DELIBERATIVE PROCESS/ENFORCEMENT CONFIDENTIAL
DO NOT RELEASE UNDER FOIA

Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative CA/FO, as well as the CMS SEP.

Deliberative Process, Attorney Client Privilege and Attorney WP

Deliberative Process, Attorney Client Privilege and Attorney WP

Deliberative Process, Attorney Client Privilege and Attorney WP

Deliberative Process, Attorney Client Privilege and Attorney WP

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/6/2019 1:40:00 PM
To: Shapiro, Naomi [Shapiro.Naomi@epa.gov]

Deliberative Process, Attorney Client Privilege and Attorney WP

From: Aber, Bruce
Sent: Tuesday, August 6, 2019 9:38 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Nassau County Sessions Memo and CMS issue

ENFORCEMENT CONFIDENTIAL

Hi Yolanda,

Deliberative Process, Attorney Client Privilege and Attorney WP

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/6/2019 1:09:57 PM
To: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
Subject: RE: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ

Hi, free now –I plan to go to a training at 10 to 12 this morning.

From: Walker, Yolaanda
Sent: Tuesday, August 6, 2019 9:04 AM
To: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: RE: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ

Bruce,

I have some questions. I will call you later this morning….or let me know when you're available to chat. Thanks.

Yolaanda Walker

****
Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov
****

EPA United States Environmental Protection Agency

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http://www.epa.gov/compliance/complaints/index.html

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From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Aber, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94B0177E55F4407989C009E179DBBE45-ABER, BRUCE]
Sent: 8/5/2019 9:19:20 PM
To: Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Subject: FW: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Attachments: Nassau County CMS ORC Talking Points August 5 2019 (002).docx

Importance: High

FYI, I reviewed electronic files of the Contactor (LIRO)'s inspection reports for Nassau County in 2014 and 2015—I could not find any violations failing to report/investigate suspected releases. So I did not include it in the talking points.

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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DO NOT RELEASE UNDER FOIA

Hi Greg,
As per your discussion with Naomi, attached are the talking points for you to review. Thanks for your willingness to review –As background, we negotiated an administrative CA/FO in 2012 that called for a Supplemental Environmental Project (SEP) with a municipality, Nassau County, that involved centralized monitoring system (CMS) for all its USTs at approximately 50 facilities. We referred the case to DOJ in 2015 because of the County's non-performance with several injunctive relief requirements under the administrative

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel

U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Floto, Erin [Floto.Erin@epa.gov]
Sent: 11/14/2018 6:25:42 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: RE: questions about EPA's SEP Policy - in BLUE
Attachments: Pollution Prevention SEPs-Emissions.docx

Ex. 5 AC/DP

From: Buettner, Robert
Sent: Wednesday, November 14, 2018 1:21 PM
To: Floto, Erin <Floto.Erin@epa.gov>
Subject: FW: questions about EPA's SEP Policy - in BLUE

Erin,

The pithiest response as soon as you can would be good. Thanks

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Leong, Denise
Sent: Wednesday, November 14, 2018 1:10 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

From: LaVigna, Gaetano
Sent: Wednesday, November 14, 2018 12:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard

<Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Re: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 14, 2018, at 11:24 AM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

From: Leong, Denise
Sent: Wednesday, November 14, 2018 11:21 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FWD: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)

718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>"
<James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC / Ex. 7(A)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Fried, Gregory [Fried.Gregory@epa.gov]
Sent: 6/1/2017 12:44:32 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Re: Brookhaven - SEP

Provi gave me an update. That's good news.

Gregory Fried
Chief, Stationary Source Enforcement Branch
U.S. EPA
Air Enforcement Division
Office of Civil Enforcement
(202)564-7016
fried.gregory@epa.gov

On Jun 1, 2017, at 7:53 AM, Buettner, Robert <Buettner.Robert@epa.gov> wrote:

Ex. 5 AC/DP

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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On May 31, 2017, at 2:09 PM, Fried, Gregory <Fried.Gregory@epa.gov> wrote:

Robert,

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Hope this is helpful.

Greg

Gregory Fried
Chief, Stationary Source Enforcement Branch
U.S. EPA
Air Enforcement Division
Office of Civil Enforcement
(202)564-7016
fried.gregory@epa.gov

On May 31, 2017, at 8:17 AM, Buettner, Robert <Buettner.Robert@epa.gov> wrote:

Greg,

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Comments welcome.

Thanks

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Buettner, Robert" <Buettner.Robert@epa.gov>
Date: May 25, 2017 at 7:52:07 AM EDT
To: "Simpson, James" <Simpson.James@epa.gov>
Cc: "LaVigna, Gaetano" <LaVigna.Gaetano@epa.gov>, "Ritz, Phillip" <Ritz.Phillip@epa.gov>, "Cardile, Joseph" <Cardile.Joseph@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>
Subject: Re: Brookhaven - SEP

Ex. 5 AC/DP

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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On May 24, 2017, at 4:52 PM, Simpson, James <Simpson.James@epa.gov> wrote:

Ex. 5 AC/DP

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Message

From: Buettner, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=05821F26717148AD9BC3B42307C716E4-BUETTNER, ROBERT]
Sent: 1/10/2018 3:13:29 PM
To: Stanton, Robert J (DEC) [robert.stanton@dec.ny.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 5 AC/AWP
Attachments:

Importance: High

Ex. 5 AC/AWP

From: Buettner, Robert
Sent: Tuesday, December 5, 2017 4:34 PM
To: Genece, Merlange (DEC) <merlange.genece@dec.ny.gov>
Cc: McCarthy, Colleen a (DEC) <colleen.mccarthy@dec.ny.gov>; Robert J Stanton <robert.stanton@dec.ny.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

Merlange,

Ex. 5 AC/AWP

Let me know.

Thanks

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Tuesday, December 5, 2017 3:43 PM
To: Elgut, Craig (DEC); Ramrakhiani, Deepak (DEC); McCarthy, Colleen a (DEC); Urdaz, Damaris; Buettner, Robert; Villatora, Liliana; LaVigna, Gaetano
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Diane C. Leonardo
Assistant U.S. Attorney
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Buettner, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=05821F26717148AD9BC3B42307C716E4-BUETTNER, ROBERT]
Sent: 6/20/2019 6:09:01 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]; 'Ritz, Phillip' [ritz.phillip@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC/DP

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Villatora, Liliana
Sent: Thursday, June 20, 2019 2:07 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 7(A)

From: Urdaz, Damaris
Sent: Thursday, June 20, 2019 11:25 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

From: Urdaz, Damaris
Sent: Wednesday, June 12, 2019 8:06 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, June 6, 2019 10:47 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Hi Damaris and Liliana-

Ex. 5 AC/DP

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Buettner, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=05821F26717148AD9BC3B42307C716E4-BUETTNER, ROBERT]
Sent: 7/8/2019 4:32:54 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject:
Attachments: Ex. 7(A)

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Cardile, Joseph
Sent: Thursday, February 1, 2018 6:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 AC

Ex. 5 AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Ritz, Phillip
Sent: Thursday, February 01, 2018 6:14 PM

To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: FW: Ex. 7(A)

From: Simpson, James
Sent: Thursday, April 13, 2017 3:35 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC

Regards,
Jay

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Ex. 7(A) Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL - Ex. 7(A)

Ex. 7(A)

Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 5/31/2017 8:25:16 PM
To: Simpson, James [Simpson.James@epa.gov]
BCC: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Ex. 5 AC

FYI

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Fried, Gregory" <Fried.Gregory@epa.gov>
Date: May 31, 2017 at 2:09:33 PM EDT
To: "Buettner, Robert" <Buettner.Robert@epa.gov>
Cc: "Klepp, Robert" <Klepp.Robert@epa.gov>, "Froikin, Sara" <Froikin.Sara@epa.gov>, "Spina, Providence" <Spina.Providence@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Hoang, Anhthu" <Hoang.Anhthu@epa.gov>, "LaVigna, Gaetano" <LaVigna.Gaetano@epa.gov>
Subject: Ex. 5 AC

Robert,

Ex. 5 AC

Ex. 5 AC

Hope this is helpful.

Greg

Gregory Fried
Chief, Stationary Source Enforcement Branch
U.S. EPA
Air Enforcement Division
Office of Civil Enforcement
(202)564-7016
fried.gregory@epa.gov

On May 31, 2017, at 8:17 AM, Buettner, Robert <Buettner.Robert@epa.gov> wrote:

Ex. 5 AC

Comments welcome.

Thanks

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Buettner, Robert" <Buettner.Robert@epa.gov>
Date: May 25, 2017 at 7:52:07 AM EDT
To: "Simpson, James" <Simpson.James@epa.gov>
Cc: "LaVigna, Gaetano" <LaVigna.Gaetano@epa.gov>, "Ritz, Phillip" <Ritz.Phillip@epa.gov>, "Cardile, Joseph" <Cardile.Joseph@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC

Ex. 5 AC

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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On May 24, 2017, at 4:52 PM, Simpson, James <Simpson.James@epa.gov> wrote:

Hi all,

Ex. 5 AC

Ex. 5 AC

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

Appointment

From: Fried, Gregory [Fried.Gregory@epa.gov]
Sent: 8/9/2018 11:37:32 AM
To: Fried, Gregory [Fried.Gregory@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]; Simpson, James [Simpson.James@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]

Subject: FW: Region 2 Check-in
Attachments: Untitled Attachment

Start: 9/12/2013 1:00:00 PM
End: 9/12/2013 2:00:00 PM
Show Time As: Tentative

Importance: High

Recurrence: Monthly
Occurs every month on the second Thursday of the month from 9:00 AM to 10:00 AM effective 9/12/2013.

Harish, Guy Please cover this meeting ACB;

Ex. 7(A)

DOE settlement and SEP issues or concerns
Brookhaven SEP nexus issues
Anything else ORC, Harish or Guy raise

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 16, 2014 4:01 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James
Subject: Region 2 Check-in
When: Occurs the second Thursday of every 1 month(s) effective 9/12/2013 from 9:00 AM to 10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Appointment

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 2/1/2018 10:58:37 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Jonesi, Gary [Jonesi.Gary@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]

Subject: Brookhaven SEP
Location: Conf Rm 2134A

Start: 2/6/2018 9:00:00 PM
End: 2/6/2018 9:30:00 PM
Show Time As: Tentative

Appointment

From: Jonesi, Gary [Jonesi.Gary@epa.gov]
Sent: 2/1/2018 11:09:12 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]

Subject: Accepted: Brookhaven SEP
Location: Conf Rm 2134A

Start: 2/6/2018 9:00:00 PM
End: 2/6/2018 9:30:00 PM

Recurrence: (none)

Appointment

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 2/1/2018 10:59:56 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]

Subject: Accepted: Brookhaven SEP
Location: Conf Rm 2134A

Start: 2/6/2018 9:00:00 PM
End: 2/6/2018 9:30:00 PM
Show Time As: Busy

Appointment

From: Fried, Gregory [Fried.Gregory@epa.gov]
Sent: 8/9/2018 11:37:32 AM
To: Fried, Gregory [Fried.Gregory@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]; Simpson, James [Simpson.James@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]

Subject: FW: Region 2 Check-in

Start: 9/12/2013 1:00:00 PM
End: 9/12/2013 2:00:00 PM
Show Time As: Tentative

Importance: High

Recurrence: Monthly
Occurs every month on the second Thursday of the month from 9:00 AM to 10:00 AM effective 9/12/2013.

Harish, Guy Please cover this meeting ACB;

Ex. 7(A)

DOE settlement and SEP issues or concerns
Brookhaven SEP nexus issues
Anything else ORC, Harish or Guy raise

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 16, 2014 4:01 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James
Subject: Region 2 Check-in
When: Occurs the second Thursday of every 1 month(s) effective 9/12/2013 from 9:00 AM to 10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Appointment

From: Fried, Gregory [Fried.Gregory@epa.gov]
Sent: 8/9/2018 11:37:32 AM
To: Fried, Gregory [Fried.Gregory@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]; Simpson, James [Simpson.James@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]; Hoang, Anhthu [Hoang.Anhthu@epa.gov]

Subject: FW: Region 2 Check-in
Attachments: Untitled Attachment; Untitled Attachment

Start: 9/12/2013 1:00:00 PM
End: 9/12/2013 2:00:00 PM
Show Time As: Tentative

Importance: High

Recurrence: Monthly
Occurs every month on the second Thursday of the month from 9:00 AM to 10:00 AM effective 9/12/2013.

Harish, Guy Please cover this meeting ACB;

Ex. 7(A)

DOE settlement and SEP issues or concerns
Brookhaven SEP nexus issues
Anything else ORC, Harish or Guy raise

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 16, 2014 4:01 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James
Subject: Region 2 Check-in
When: Occurs the second Thursday of every 1 month(s) effective 9/12/2013 from 9:00 AM to 10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Appointment

From: Fried, Gregory [Fried.Gregory@epa.gov]
Sent: 8/9/2018 11:37:32 AM
To: Fried, Gregory [Fried.Gregory@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]; Simpson, James [Simpson.James@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]; Hoang, Anhthu [Hoang.Anhthu@epa.gov]; Hoyt, Daniel [Hoyt.Daniel@epa.gov]

Subject: FW: Region 2 Check-in
Attachments: Untitled Attachment; Untitled Attachment; Canceled: Region 2 Check-in; Region 2 Check-in

Start: 9/12/2013 1:00:00 PM
End: 9/12/2013 2:00:00 PM
Show Time As: Tentative

Importance: High

Recurrence: Monthly
Occurs every month on the second Thursday of the month from 9:00 AM to 10:00 AM effective 9/12/2013.

Harish, Guy Please cover this meeting ACB;

Ex. 7(A)

DOE settlement and SEP issues or concerns
Brookhaven SEP nexus issues
Anything else ORC, Harish or Guy raise

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 16, 2014 4:01 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James
Subject: Region 2 Check-in
When: Occurs the second Thursday of every 1 month(s) effective 9/12/2013 from 9:00 AM to 10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Appointment

From: Fried, Gregory [Fried.Gregory@epa.gov]
Sent: 8/9/2018 11:37:32 AM
To: Fried, Gregory [Fried.Gregory@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]; Simpson, James [Simpson.James@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]; Hoang, Anhthu [Hoang.Anhthu@epa.gov]; Hoyt, Daniel [Hoyt.Daniel@epa.gov]

Subject: FW: Region 2 Check-in
Attachments: Untitled Attachment; Untitled Attachment; Canceled: Region 2 Check-in

Start: 9/12/2013 1:00:00 PM
End: 9/12/2013 2:00:00 PM
Show Time As: Tentative

Importance: High

Recurrence: Monthly
Occurs every month on the second Thursday of the month from 9:00 AM to 10:00 AM effective 9/12/2013.

Harish, Guy Please cover this meeting ACB;

Ex. 7(A)

DOE settlement and SEP issues or concerns
Brookhaven SEP nexus issues
Anything else ORC, Harish or Guy raise

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 16, 2014 4:01 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James
Subject: Region 2 Check-in
When: Occurs the second Thursday of every 1 month(s) effective 9/12/2013 from 9:00 AM to 10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 12/5/2017 9:06:49 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject:
Attachments:

Ex. 5 AC/AWP

FYI

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, December 05, 2017 3:44 PM
To: Elgut, Craig (DEC) <craig.elgut@dec.ny.gov>; Ramrakhiani, Deepak (DEC) <deepak.ramrakhiani@dec.ny.gov>; McCarthy, Colleen a (DEC) <colleen.mccarthy@dec.ny.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 5 AWP

Ex. 5 AWP

Ex. 5 AWP

Diane

Diane C. Leonardo
Assistant U.S. Attorney
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 7/8/2019 3:46:34 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]; Charles Andrews [richard.greene@usdoj.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Ritz, Phillip
Sent: Monday, July 8, 2019 11:37 AM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 5 DP/AC

From: Cardile, Joseph
Sent: Thursday, February 1, 2018 9:09 AM
To: Urdaz, Damaris
Cc: Villatora, Liliana; Buettner, Robert; LaVigna, Gaetano; Ritz, Phillip
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Thx
Joe

From: Urdaz, Damaris
Sent: Thursday, February 01, 2018 8:20 AM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Cardile, Joseph
Sent: Thursday, January 11, 2018 9:43 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Jonesi,

Gary <Jonesi.Gary@epa.gov>
Subject: Ex. 5 DP/AC

Hi Caroline,

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 4:00 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: Ex. 5 DP/AC

Hi Joe, et al.,

Ex. 5 DP/AC

Look forward to talking!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Cardile, Joseph
Sent: Wednesday, January 10, 2018 3:29 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP/AC

Hi Caroline,

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 11/14/2018 5:11:54 PM
To: Leong, Denise [Leong.Denise@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; Floto, Erin [Floto.Erin@epa.gov]
Subject: RE: questions about EPA's SEP Policy

Ex. 5 AC / Ex. 7(A)

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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-----Original Message-----
From: Leong, Denise
Sent: Wednesday, November 14, 2018 11:22 AM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: RE: questions about EPA's SEP Policy

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cardile, Joseph
Sent: Tuesday, November 13, 2018 5:47 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: RE: questions about EPA's SEP Policy

Hi Folks,

Ex. 5 AC / Ex. 7(A)

Joe

-----Original Message-----
From: Buettner, Robert
Sent: Tuesday, November 13, 2018 2:53 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW: questions about EPA's SEP Policy

Ex. 5 AC / Ex. 7(A)

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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-----Original Message-----
From: Leong, Denise
Sent: Tuesday, November 13, 2018 2:38 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: FW: questions about EPA's SEP Policy

fyi

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Ex. 7(A)

From: Eli Ellbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Ex. 7(A)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Ritz, Phillip [Ritz.Phillip@epa.gov]
Sent: 7/8/2019 3:38:03 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Fw: Brookhaven SEP Discussion

From: Cardile, Joseph
Sent: Tuesday, February 6, 2018 6:07 PM
To: Jonesi, Gary; Buettner, Robert; Makepeace, Caroline; Villatora, Liliana; LaVigna, Gaetano; Urdaz, Damaris; Ritz, Phillip
Cc: Williamson, Caroline
Subject: RE: Brookhaven SEP Discussion

Thanks Gary.

Joe

From: Jonesi, Gary
Sent: Tuesday, February 06, 2018 6:06 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Williamson, Caroline <williamson.caroline@epa.gov>
Subject: RE: Brookhaven SEP Discussion

Hi everyone. Good call today.

I'm sorry for the delay in getting back to you, and want to apologize because I turns out that NREL's Jobs & Economic Development Impacts (JEDI) solar model (https://www.nrel.gov/analysis/jedi/csp.html) is just for utility scale Concentrating Solar Power (CSP) projects and not solar PV. But, NREL's SAM (https://sam.nrel.gov/) and CREST models (https://financere.nrel.gov/finance/content/crest-cost-energy-models) can be used to estimate project benefits, if not jobs. Also, NREL's PVWatts online model (http://pvwatts.nrel.gov/) is very helpful and even easier to use.

Let me know if you need any help, and sorry again for misleading you about JEDI. The proposed SEP looks very promising. May the (solar-powered energy) force be with you. ☺

--Gary

Be kind to the environment.
Please do not print this email unless necessary.

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
703-304-6392 (cell)
jonesi.gary@epa.gov

-----Original Appointment-----
From: Cardile, Joseph
Sent: Thursday, February 01, 2018 5:59 PM
To: Cardile, Joseph; Buettner, Robert; Makepeace, Caroline; Villatora, Liliana; Jonesi, Gary; LaVigna, Gaetano; Urdaz, Damaris; Ritz, Phillip
Cc: Williamson, Caroline
Subject: Brookhaven SEP Discussion
When: Tuesday, February 06, 2018 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf Rm 2134A

1. Dial the toll-free Conference Number - 844-637-3111
2. Enter your 5-digit Conference Extension - 84064
3. If you are a participant press (2) - Enter your 6-digit Access Code – 123456

Message

From: Ritz, Phillip [Ritz.Phillip@epa.gov]
Sent: 8/22/2018 7:05:07 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: highlight for Ex. 7(A)

Ex. 5 AC / Ex. 7(A)/ DP

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Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 7/17/2018 12:33:53 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 5 DP / Ex. 7(A)

Ex. 5 DP/AC/AWP

From: Cardile, Joseph
Sent: Monday, July 16, 2018 1:40 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP / Ex. 7(A)

Ex. 5 DP/AC/AWP

From: Cardile, Joseph
Sent: Thursday, February 01, 2018 6:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP / Ex. 7(A)

Ex. 5 DP/AC/AWP

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Ritz, Phillip
Sent: Thursday, February 01, 2018 6:14 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 DP / Ex. 7(A)

From: Simpson, James
Sent: Thursday, April 13, 2017 3:35 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP / Ex. 7(A)

Ex. 5 DP/AC/AWP

Regards,
Jay

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Ex. 7(A) Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL - Ex. 5 DP / Ex. 7(A)

Dear Jay,

Ex. 7(A)

Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 1/23/2018 4:29:50 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: Ex. 5 AC

Ex. 5 AC

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 4:00 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: Ex. 5 AC

Hi Joe, et al.,

Ex. 5 AC

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Cardile, Joseph
Sent: Wednesday, January 10, 2018 3:29 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 AC

Hi Caroline,

Ex. 5 AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 11/13/2018 9:22:18 PM
To: Floto, Erin [Floto.Erin@epa.gov]
CC: Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: RE: questions about EPA's SEP Policy

Importance: High

Erin,

Ex. 5 AC/DP

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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-----Original Message-----
From: Floto, Erin
Sent: Tuesday, November 13, 2018 3:20 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy

Robert,

Ex. 5 AC/DP

Erin Floto, M.S.

Physical Scientist
Compliance Assistance and Program Support Branch Division of Enforcement and Compliance Assistance
Environmental Protection Agency
Office: (212) 637-4007
floto.erin@epa.gov

-----Original Message-----
From: Buettner, Robert
Sent: Tuesday, November 13, 2018 3:02 PM
To: Floto, Erin <Floto.Erin@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: FW: questions about EPA's SEP Policy

Erin,

Ex. 7(A)

Ex. 7(A)

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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-----Original Message-----
From: Leong, Denise
Sent: Tuesday, November 13, 2018 2:38 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: FW: questions about EPA's SEP Policy

fyi

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM

To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Ex. 7(A)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 3/14/2019 12:41:12 PM
To: Fried, Gregory [Fried.Gregory@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: Ex. 5 AC

Ex. 5 AC

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 9, 2014 12:27 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James; Cardile, Joseph
Subject: Ex. 5 AC
When: Thursday, March 14, 2019 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:
Importance: High

Ex. 5 AC

-----Original Appointment-----
From: Fried, Gregory
Sent: Monday, June 16, 2014 4:01 PM
To: Fried, Gregory; LaVigna, Gaetano; Froikin, Sara; Spina, Providence
Cc: Buettner, Robert; Villatora, Liliana; Klepp, Robert; Patel, Harish; Leong, Denise; Simpson, James
Subject: Ex. 5 AC
When: Occurs the second Thursday of every 1 month(s) effective 9/12/2013 from 9:00 AM to 10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 2/5/2018 9:47:29 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 5 DP/AC/AWP

Thanks!! Talk to you all tomorrow!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Cardile, Joseph
Sent: Monday, February 05, 2018 4:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Makepeace, Caroline
Sent: Monday, February 05, 2018 2:38 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Hi Joe,

Ex. 5 DP/AC/AWP

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Cardile, Joseph
Sent: Thursday, February 01, 2018 6:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Ritz, Phillip
Sent: Thursday, February 01, 2018 6:14 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 DP/AC/AWP

From: Simpson, James
Sent: Thursday, April 13, 2017 3:35 PM

To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL - Town of Brookhaven and Wehran Energy Corp. - SEP

Dear Jay,
On behalf of the Town of Brookhaven and Wehran Energy, please find attached for USEPA's review and comment our letter dated today detailing the estimated costs and task schedule for the proposed Supplemental Environmental Project involving the installation of a solar energy conversion system by the Town.
I am available to discuss this letter at your convenience.
Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 9/12/2019 7:18:10 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

From: Cardile, Joseph
Sent: Thursday, September 12, 2019 3:14 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

From: Ritz, Phillip <Ritz.Phillip@epa.gov>
Sent: Thursday, September 12, 2019 1:16 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

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From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Thursday, September 12, 2019 1:08 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 12:41 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Hi Ladies,

Ex. 5 DP/AC/AWP

Thanks!!!

Caroline Makepeace
Senior Counsel

Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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Message

From: Patel, Harish [Patel.Harish@epa.gov]
Sent: 9/12/2019 6:00:16 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
Subject: FW: URGENT - for your review - Ex. 5 AC / Ex. 7(A)
Attachments: Ex. 5 AC / Ex. 7(A)

Importance: High

Phil/Joe –please review and get back to Liliana (if you have not done it yet).

Thanks,
Harish

From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Thursday, September 12, 2019 12:57 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: FW: URGENT - for your review - Ex. 5 AC / Ex. 7(A)
Importance: High

Can you make sure this is responded to?

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 12:41 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: FW: URGENT - for your review - Ex. 5 AC / Ex. 7(A)

Can I please get your immediate review on this? Ex. 5 AC DP / Ex. 7(A)
Ex. 5 AC DP / Ex. 7(A) Thanks.

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>

Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: URGENT - for your review - Ex. 5 AC / Ex. 7(A)

Hi Ladies,

Ex. 5 AC DP / Ex. 7(A)

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 9/12/2019 5:07:36 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Ex. 5 DP/AC/AWP
Attachments:

Ex. 5 DP/AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 12:41 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC/AWP

Hi Ladies,

Ex. 5 DP/AC/AWP

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/14/2018 10:14:39 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: FW: SEP policy "waiver"

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

From: Makepeace, Caroline
Sent: Wednesday, November 14, 2018 5:09 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: SEP policy "waiver"

Hi Denise,
I'm actually out sick today, and I guess the out of office message didn't "take" on my phone.
Diverging from the policy does require a waiver from the OECA AA. Is anyone from AED here on the case? If so, easy way is to work with AED to raise the request through Rosemarie Kelley to Susan Bodine. I'm happy to help in any way. I think it could be done with a short memo, or even email, that explains why a lower penalty would be warranted in this particular case, probably addressing the discussion of minimum penalty amounts (and why we have a minimum penalty) in the SEP Policy.
I'm going to be in tomorrow I hope — and maybe it makes sense to talk this through. Understanding the whole situation will probably help me advise you.

Sent from my iPhone

On Nov 14, 2018, at 4:45 PM, Leong, Denise <Leong.Denise@epa.gov> wrote:

> Hi Caroline,
>
> I left a voice message earlier today but I thought I would follow up with an email. We have a municipality inquiring whether it is possible, in a SEP context, to obtain a "waiver" to reduce the required minimum cash penalty of economic benefit plus 10% of the gravity. Is it possible and if so, what are the steps that need to be taken to request a "waiver" for the cash penalty minimum? Let me know if you have any questions.
>
> Thanks, Denise
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2
> Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199

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Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 9/12/2019 4:41:14 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Ex. 5 AC/AWP
Attachments:

Ex. 5 AC/AWP

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 AC/AWP

Hi Ladies,

Ex. 5 AC/AWP

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 2/1/2018 11:49:14 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: Jonesi, Gary [Jonesi.Gary@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 5 AC

Thanks! Talk to you all soon!

Sent from my iPhone

> On Feb 1, 2018, at 6:18 PM, Cardile, Joseph <Cardile.Joseph@epa.gov> wrote:

Ex. 5 AC

>
> Thx
> Joe
>
> Joseph Cardile, Environmental Engineer
> Stationary Source Compliance Section
> Air Compliance Branch
> U.S. EPA, Region 2
> 290 Broadway, 21st Floor
> New York, New York 10007-1866
> Phone (212) 637-4054
> Email: Cardile.Joseph@epa.gov<mailto:Cardile.Joseph@epa.gov>
>
> CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message.
> From: Ritz, Phillip
> Sent: Thursday, February 01, 2018 6:14 PM
> To: Cardile, Joseph <Cardile.Joseph@epa.gov>
> Subject: FW: SETTLEMENT CONFIDENTIAL - Town of Brookhaven and Wehran Energy Corp. - SEP
>
> From: Simpson, James
> Sent: Thursday, April 13, 2017 3:35 PM
> To: Ritz, Phillip <Ritz.Phillip@epa.gov<mailto:Ritz.Phillip@epa.gov>>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov<mailto:LaVigna.Gaetano@epa.gov>>; Buettner, Robert <Buettner.Robert@epa.gov<mailto:Buettner.Robert@epa.gov>>
> Cc: Villatora, Liliana <Villatora.Liliana@epa.gov<mailto:Villatora.Liliana@epa.gov>>
> Subject: Ex. 5 AC

Ex. 5 AC

> Jay
>
> From: Robbins, Virginia [mailto:RobbinV@bsk.com]
> Sent: Thursday, April 13, 2017 12:39 PM
> To: Simpson, James <Simpson.James@epa.gov<mailto:Simpson.James@epa.gov>>
> Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov<mailto:Diane.Beckmann@usdoj.gov>>; Kevin Johnston <kjohnston@brookhavenny.gov<mailto:kjohnston@brookhavenny.gov>>; Michael J. Cahill <MJC@GermanoCahill.com<mailto:MJC@GermanoCahill.com>>; Tyson, Robert <TysonR@BSK.com<mailto:TysonR@BSK.com>>
> Subject: SETTLEMENT CONFIDENTIAL - Town of Brookhaven and Wehran Energy Corp. - SEP
>
> Dear Jay,
> On behalf of the Town of Brookhaven and Wehran Energy, please find attached for USEPA's review and comment our letter dated today detailing the estimated costs and task schedule for the proposed Supplemental Environmental Project involving the installation of a solar energy conversion system by the Town.
> I am available to discuss this letter at your convenience.
> Best, Ginny
>
> Virginia C. Robbins, Esq.
> Environmental and Energy Practice Group
> 315.218.8182 Direct
> 315.218.8000 Alt

> 315.218.8100 Fax
> 315.569.4538 Cell
> vrobbins@bsk.com<mailto:vrobbins@bsk.com>
> Bio<https://www.bsk.com/attorneys/bio.cfm?ID=1741>
> [https://www.bsk.com/BondSignature/Bond.gif]<https://www.bsk.com/>
> One Lincoln Center, Syracuse, NY 13202-1355
> This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message.
>
> <Simpson Ltr.pdf>
> <image001.png>

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 11/14/2018 10:10:07 PM
To: Leong, Denise [Leong.Denise@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Kan, Richard [Kan.Richard@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: RE: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Leong, Denise
Sent: Wednesday, November 14, 2018 5:00 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE
Importance: High

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>

Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 7(A)

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Leong, Denise
Sent: Wednesday, November 14, 2018 2:33 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2

Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Villatora, Liliana
Sent: Wednesday, November 14, 2018 2:25 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE

Guy,

Ex. 5 AC / Ex. 7(A)

Liliana

From: LaVigna, Gaetano
Sent: Wednesday, November 14, 2018 12:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Re: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 14, 2018, at 11:24 AM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

From: Leong, Denise
Sent: Wednesday, November 14, 2018 11:21 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FWD: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>"
<James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 5/24/2018 5:33:54 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Thursday, May 24, 2018 12:45 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

HI Damaris—

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Wednesday, May 23, 2018 8:22 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject Ex. 7(A)

Ex. 5 AC/AWP

Thanks!

Message

From: Jonesi, Gary [Jonesi.Gary@epa.gov]
Sent: 2/1/2018 11:42:47 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 5 AC

Thanks Joe. Look forward to talking about this.

--Gary

Ex. 5 AC

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
703-304-6392 (cell)
jonesi.gary@epa.gov

On Feb 1, 2018, at 6:18 PM, Cardile, Joseph <Cardile.Joseph@epa.gov> wrote:

Ex. 5 AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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review. If you have received this message in error, you are asked to notify the sender and to delete this message.

From: Ritz, Phillip
Sent: Thursday, February 01, 2018 6:14 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 AC

From: Simpson, James
Sent: Thursday, April 13, 2017 3:35 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC

Ex. 5 AC

Regards,
Jay

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL - Town of Brookhaven and Wehran Energy Corp. - SEP

Dear Jay,
On behalf of the Town of Brookhaven and Wehran Energy, please find attached for USEPA's review and comment our letter dated today detailing the estimated costs and task schedule for the proposed Supplemental Environmental Project involving the installation of a solar energy conversion system by the Town.
I am available to discuss this letter at your convenience.
Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio
<image001.png>
One Lincoln Center, Syracuse, NY 13202-1355
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<Simpson Ltr.pdf>

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/14/2018 9:59:52 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: RE: questions about EPA's SEP Policy - in BLUE
Attachments: Ex. 7(A)

Importance: High

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Leong, Denise
Sent: Wednesday, November 14, 2018 2:33 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Villatora, Liliana
Sent: Wednesday, November 14, 2018 2:25 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE

Guy,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Liliana

From: LaVigna, Gaetano
Sent: Wednesday, November 14, 2018 12:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Re: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 14, 2018, at 11:24 AM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

From: Leong, Denise
Sent: Wednesday, November 14, 2018 11:21 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FWD: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>"
<James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/14/2018 7:33:15 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: RE: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Villatora, Liliana
Sent: Wednesday, November 14, 2018 2:25 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: questions about EPA's SEP Policy - in BLUE

Guy,

Ex. 5 AC / Ex. 7(A)

Liliana

From: LaVigna, Gaetano
Sent: Wednesday, November 14, 2018 12:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Re: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 14, 2018, at 11:24 AM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

From: Leong, Denise
Sent: Wednesday, November 14, 2018 11:21 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FWD: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>"
<James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Cardile, Joseph [Cardile.Joseph@epa.gov]
Sent: 8/9/2019 2:51:00 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]
Attachments: Ex. 7(A) Penalty 2019-07-26 Rev no SEP.xlsx

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 5/24/2019 6:48:02 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: RE:
Attachments: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, May 24, 2019 2:44 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE:

Ex. 5 DP/AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Friday, May 24, 2019 2:42 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE:

Ex. 5 DP/AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, May 24, 2019 2:38 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject:

Ex. 5 DP/AC

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 5/24/2019 5:36:22 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]; Cardile, Joseph [Cardile.Joseph@epa.gov]
CC: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Ex. 7(A)

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, May 24, 2019 1:32 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 8/27/2018 3:17:13 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 5 AC

From: Jonesi, Gary
Sent: Tuesday, February 06, 2018 6:06 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Williamson, Caroline <williamson.caroline@epa.gov>
Subject: Ex. 5 AC

Hi everyone. Good call today.

Ex. 5 AC

--Gary

Be kind to the environment.
Please do not print this email unless necessary.

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
703-304-6392 (cell)
jonesi.gary@epa.gov

-----Original Appointment-----
From: Cardile, Joseph
Sent: Thursday, February 01, 2018 5:59 PM
To: Cardile, Joseph; Buettner, Robert; Makepeace, Caroline; Villatora, Liliana; Jonesi, Gary; LaVigna, Gaetano; Urdaz, Damaris; Ritz, Phillip
Cc: Williamson, Caroline
Subject: Ex. 5 AC
When: Tuesday, February 06, 2018 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf Rm 2134A

1. Dial the toll-free Conference Number -
2. Enter your 5-digit Conference Extension -
3. If you are a participant press (2) -

Ex. 6 PP

Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 7/16/2018 5:38:33 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject:
Attachments: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Joe

From: Cardile, Joseph
Sent: Monday, February 05, 2018 4:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Makepeace, Caroline
Sent: Monday, February 05, 2018 2:38 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 DP/AC

Hi Joe,

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Cardile, Joseph
Sent: Thursday, February 01, 2018 6:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject Ex. 5 DP/AC

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Ritz, Phillip
Sent: Thursday, February 01, 2018 6:14 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 DP/AC

From: Simpson, James
Sent: Thursday, April 13, 2017 3:35 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Regards,
Jay

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL - Town of Brookhaven and Wehran Energy Corp. - SEP

Dear Jay,
On behalf of the Town of Brookhaven and Wehran Energy, please find attached for USEPA's review and comment our letter dated today detailing the estimated costs and task schedule for the proposed Supplemental Environmental Project involving the installation of a solar energy conversion system by the Town.
I am available to discuss this letter at your convenience.
Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

BOND SCHOENECK & KING ATTORNEYS
Commitment · Service · Value · Our Bond
One Lincoln Center, Syracuse, NY 13202-1355
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Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 1/11/2018 3:22:16 PM
To: Froikin, Sara [Froikin.Sara@epa.gov]
Subject: Ex. 5 DP/AC

Hi Sara,

Ex. 5 DP/AC

From: Makepeace, Caroline
Sent: Thursday, January 11, 2018 9:46 AM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Thanks,
Caroline

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Cardile, Joseph
Sent: Thursday, January 11, 2018 9:43 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: Ex. 5 DP/AC

Hi Caroline,

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 4:00 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: Ex. 5 DP/AC

Hi Joe, et al.,

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Cardile, Joseph
Sent: Wednesday, January 10, 2018 3:29 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 DP/AC

Hi Caroline,

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 11/13/2018 7:55:57 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: RE: questions about EPA's SEP Policy

Ex. 7(A)

Joe

-----Original Message-----
From: Buettner, Robert
Sent: Tuesday, November 13, 2018 2:53 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW: questions about EPA's SEP Policy

Ex. 7(A)

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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-----Original Message-----
From: Leong, Denise
Sent: Tuesday, November 13, 2018 2:38 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: FW: questions about EPA's SEP Policy

fyi

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney

U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Actually, re-reading the SEP Policy language quoted in my question no 1 below, I believe my figure of $80K is not correct, since I added 10% of the economic benefit component when it should be 10% of the gravity component. I believe that translates into approximately $88,000 ($72K for the economic benefit component, plus 10% of the $159K gravity component). So, a SEP would seem to make even less sense, assuming the foregoing is correct.

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Thanks again for this past Friday's meeting with the Ex. 7(A). Since that time we've been reviewing EPA's SEP policy, which I believe was most recently updated in March 2015, according to this info: https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf

The Village had a few questions for your team regarding how a potential SEP implemented by the Village as part of a settlement of the Feb. 2012 NOV might work. Because Ex. 7(A) will be meeting with the Village Trustees this Thursday to discuss this matter and because EPA and the Village are scheduled to meet again on Nov. 27, I would greatly appreciate it if you/EPA could clarify the following by COB tomorrow if at all possible:

1. As I read Section IX.B.1 of the Policy, at page 21, where a settlement includes a SEP, the amount of the penalty must be equal to the greater of (a) the economic benefit of noncompliance plus ten percent of the gravity component, or (b) twenty-five percent of the gravity component. During Friday's meeting, I believe that Guy stated that EPA assigned $72,000 for the economic benefit component, and $159,000 for the gravity component. If I heard him correctly, and if I'm reading the SEP Policy correctly, that would seem to mean that, regardless of whatever amount the Village might spend on an acceptable SEP, the final settlement of the NOV would still have to include a cash payment of a penalty of at least $80,000 ($72K plus 10%). Is the foregoing correct? If so, given what I understood EPA's position on the "floor" of an acceptable penalty as stated to us towards the end of the Nov. 9 meeting, it would seem to me that there would be, at best, only minimal value to the Village to invest in a SEP for purposes of settling the NOV.

2. At the top of p.24 of the Policy, in Section IX.C, it states that "The amount of penalty mitigation given for a SEP should be equivalent to a percentage of the estimated cost to implement the SEP and should not exceed eighty percent (80%) of that estimated cost." Further down on that same page, however, it provides that "For defendants that are . . . government agencies or entities . . . the penalty mitigation amount may be set as high as one hundred percent (100%) of the estimated SEP cost, if the defendant can demonstrate the project is of outstanding quality." Footnote 33 on that page, in turn, states "Outstanding quality may be based on how well a SEP meets and exceeds one or more of the evaluation criteria described in Section VIII, as well as on relevant case-specific factors." To help the Village better understand the possibility that a potential SEP it might implement would earn a 100% penalty mitigation, could EPA provide any more concrete information on what it might consider a SEP of "outstanding quality"? I realize the Policy states this is a case-by-case determination, but any additional info EPA could provide on this point would be helpful.

3. In Section X at page 25 of the Policy, it states that certain project-related costs must be excluded from the portion of the SEP eligible for penalty mitigation. The Policy states that "Examples of costs to consider that are generally not appropriate for inclusion include: overhead; additional employee time and salary; administrative expenses; most legal fees; and contractor oversight." I'm struggling to understand those examples, since they seem quite broad. If Village employees implement a SEP within the Village boundaries, would the Village's cost for that employee labor be considered "additional" time and salary and thus completely excluded from the mitigation eligibility? Would the only mitigation-eligible costs of such a project be parts/materials/equipment? And can EPA shed light on how broad or narrow the definition of "administration expenses" is in that portion of the Policy?

4. Section XII.A.2 at page 36 of the Policy seems to provide EPA with discretion in a particular settlement to exempt the proposed SEP from one or more requirements of the Policy. There it states as follows: "In all cases including a SEP which may not fully comply with the provisions of this Policy (e.g., the proposed settlement penalty is less than the minimum required penalty) . . . the settlement and the SEP must be approved by the Assistant Administrator for OECA." If I'm reading that catch-all exception correctly, EPA would have the discretion, for example, to accept a penalty payment by the Village at a level lower than what would seem otherwise required by the section of the Policy that I quote in my question 1 above. At what point in the SEP review process would EPA make such a decision?

Lastly, a question not directed to the SEP Policy. Specifically, to what extent, if any, would EPA allow the Village to pay the penalty portion of a settlement in installments (e.g., payment of one-quarter the total penalty each year for four consecutive years) as opposed to requiring the Village to make a one-time upfront payment of the entire penalty?

Thank you in advance for your assistance with this. Again, given the meeting with the Trustees this Thursday, we'd greatly appreciate receiving EPA's responses to the foregoing by COB tomorrow if possible.

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 9/12/2019 7:14:19 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
Subject: Ex. 5 DP/AC
Attachments:

Ex. 5 DP/AC

Joe

From: Ritz, Phillip <Ritz.Phillip@epa.gov>
Sent: Thursday, September 12, 2019 1:16 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

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From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Thursday, September 12, 2019 1:08 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Gaetano La Vigna, Chief
Stationary Source Compliance Section

Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 12:41 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC

Hi Ladies,

Ex. 5 DP/AC

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 11/13/2018 7:44:49 PM
To: Lonergan, Ralph [Lonergan.Ralph@epa.gov]
Subject: FW: questions about EPA's SEP Policy
Attachments: image001.png

-----Original Message-----
From: Kan, Richard
Sent: Tuesday, November 13, 2018 2:39 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: FW: questions about EPA's SEP Policy

Robert,

Ex. 7(A)

-Richard

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, November 13, 2018 2:02 PM
To: Kan, Richard <Kan.Richard@epa.gov>
Subject: FW: questions about EPA's SEP Policy

fyi

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>

Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 7(A)

Ex. 7(A)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 1/10/2018 8:29:29 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 5 DP/AC
Attachments:

Hi Caroline,

Ex. 5 DP/AC

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 8/16/2019 7:26:59 PM
To: Velez, Julian [velez.julian@epa.gov]
Subject: Ex. 7(A) highlight

Ex. 5 AC, DP / Ex. 7(A)

Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 1/8/2018 6:56:35 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A) SEP Update
Attachments: Simpson Ltr.pdf

Ex. 5 AC, DP / Ex. 7(A)

Joe

Message

From: Cardile, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2587033BBBDE46808831027AB9347048-CARDILE, JOSEPH]
Sent: 11/14/2018 6:56:00 PM
To: Patel, Harish [Patel.Harish@epa.gov]
Subject: FW: questions about EPA's SEP Policy - in BLUE

From: LaVigna, Gaetano
Sent: Wednesday, November 14, 2018 1:55 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Re: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 14, 2018, at 1:10 PM, Leong, Denise <Leong.Denise@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

From: LaVigna, Gaetano
Sent: Wednesday, November 14, 2018 12:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Re: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 14, 2018, at 11:24 AM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

From: Leong, Denise
Sent: Wednesday, November 14, 2018 11:21 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FWD: questions about EPA's SEP Policy - in BLUE

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, November 13, 2018 11:47 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

See updated email below.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 13, 2018 at 11:33:30 AM EST
To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Ex. 5 AC/DP, Ex. 7(a)

Eli

Eli D. Eilbott

[Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com>
www.dwgp.com<http://www.dwgp.com/>

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/28/2019 7:22:59 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject:
Attachments:

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 6/27/2019 6:50:40 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Ex. 5 Deliberative Process (DP)

Ex. 5 - Attorney-Client (AC)

On Jun 27, 2019, at 12:02 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Ex. 5 - Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Wednesday, June 26, 2019 4:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 5 - Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Sent: Wednesday, June 26, 2019 3:52 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 5 Deliberative Process (DP)

Thanks Deborah.

Ex. 5 - Attorney-Client (AC)

Be in touch soon.

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Wednesday, June 26, 2019 1:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Ex. 5 Deliberative Process (DP)

Ex. 5 - Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/28/2019 9:29:26 PM
To: Green, Katherine [Green.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Katherine.

From: Green, Katherine <Green.Katherine@epa.gov>
Sent: Tuesday, May 28, 2019 5:27 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Hi Deborah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-Katherine

From: Feinmark, Phyllis
Sent: Tuesday, May 28, 2019 4:14 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

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Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

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Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
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Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT

To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 6/14/2019 2:06:24 AM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Re Ex. 7(A)

Yes

On Jun 13, 2019, at 8:32 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Thursday, June 13, 2019 8:28 PM
To: 'Murphy, Kara' <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, June 11, 2019 1:39 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi Deborah Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a good weekend.

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE)

<DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

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Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

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Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

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Deborah

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Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

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Date: May 23, 2019 at 11:46:39 AM EDT
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Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

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Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Green, Katherine [Green.Katherine@epa.gov]
Sent: 5/28/2019 9:24:13 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)

Thanks, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Tuesday, May 28, 2019 5:24 PM
To: Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Great!

From: Green, Katherine
Sent: Tuesday, May 28, 2019 5:23 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> **Date:** May 23, 2019 at 11:46:39 AM EDT
> **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
> **Cc:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> **Subject: Re:** Ex. 7(A)
>
> Diane and Matt
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available
)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/28/2019 7:47:12 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Tuesday, May 28, 2019 3:42 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

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Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE)

<MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT
> > **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>

Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/28/2019 7:22:59 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

FYI

From: Modigliani, Justine
Sent: Tuesday, May 28, 2019 2:33 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: Re: Ex. 7(A)

Hi Deborah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!!

Justine

Sent from my iPhone

On May 28, 2019, at 1:35 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/28/2019 6:21:20 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Tuesday, May 28, 2019 1:35 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 5/28/2019 2:01:52 AM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: karen.dworkin@usdoj.gov; Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; John.Vagelatos@usdoj.gov; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: Ex. 7(A)

Thank you!!

Sent from my iPhone

On May 24, 2019, at 8:58 AM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

Please see below for more context.

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

Begin forwarded message:

From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Date: May 23, 2019 at 11:46:39 AM EDT
To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>

Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 7:56:22 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Attorney-Client (AC) Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:45 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:19 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 3:15 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 2:59 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 2:23 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

Please see below – Thanks!

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402

Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. For more information about MMP&S, please visit www.milbermakris.com

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. For more information about MMP&S, please visit www.milbermakris.com

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Best,
John

John Vagelatos

Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 5/24/2019 7:45:32 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
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Ex. 5 - Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
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Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
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Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

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To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

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Subject: FW: Consent Judgment and Appendix B

FYI

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To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. For more information about MMP&S, please visit www.milbermakris.com

---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 7:32:19 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)
Ex. 7(A)

Oops. I thought at one point someone used Deb. Thanks!

-----Original Message-----
From: Feinmark, Phyllis
Sent: Friday, May 24, 2019 3:24 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)
Ex. 7(A)

Also, she uses Deborah. Nothing else.

-----Original Message-----
From: Murphy, Kara
Sent: Friday, May 24, 2019 2:23 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)
Ex. 7(A)

Great, thanks Deb! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine and Katherine will be in Trenton on Tuesday. Their meeting should end around 1pm. Maybe right after their meeting but before they have to get on the road, we can have our call. Are you available around 1ish - 2pm?
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a great holiday weekend!

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 1:08 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)
Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Please let me know your thoughts on this response and also a good time to speak on Tuesday.

Have a happy and safe Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

-----Original Message-----
From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 7:30 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:26 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Ex. 7(A)

That's great. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! This is great news!

Yes, John has the most recent documents.

We can set up a meeting for next week to discuss this further. Let me check with the team and get back to you.

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Thank you for the warm welcome. I am looking forward to working with all of you Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

What we think is the current version of the CD is attached.

I also attached a fact sheet.

Ex. 5 DP / Ex. 7(A)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Ex. 7(A)

Hello. You can call me at Ex. 6 - Personal Privacy (PP) K Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I don't have the current (or any) draft of the CD. Can you send? Also any relevant appendices so I can send to Karen.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/11/2019 8:28:22 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Ex. 7(A)

I'm not messin' with the cheetah...I'm team cheetah. ☺

-----Original Message-----
From: McKenna, Douglas
Sent: Tuesday, June 11, 2019 3:45 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

https://www.youtube.com/watch?v=V8vejjVgIHg

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Tuesday, June 11, 2019 2:06 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Jun 11, 2019, at 1:40 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis

Ex. 5 AC/DP

From: McKenna, Douglas

Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)

<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>;
makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>)
<Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>>;
'makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>'
<makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov<mailto:Mark.Gallagher1@usdoj.gov>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; 'Murphy, Kara'
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Ex. 7(A)

Hello all,
I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.
Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE)
<MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>> wrote:
Please see below for more context.
Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

Begin forwarded message:
From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Date: May 23, 2019 at 11:46:39 AM EDT
To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>, "Beckmann, Diane
(USANYE)" <DBeckmann@usa.doj.gov<mailto:DBeckmann@usa.doj.gov>>, "Silverman, Matthew (USANYE)"
<MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
Subject: Re: Ex. 7(A)
Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov<mailto:KDworkin@enrd.usdoj.gov>> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/24/2019 6:25:43 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Ex. 7(A)

Thanks Kara. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a great weekend.

> On May 24, 2019, at 2:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Have a great holiday weekend!
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, May 24, 2019 1:08 PM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: Ex. 7(A)
28, 2017 ar
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Have a happy and safe Memorial Day weekend.
>
> Deborah
>
>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>
>
>
> -----Original Message-----
> From: Murphy, Kara <Murphy.Kara@epa.gov>
> Sent: Friday, May 24, 2019 7:30 AM

> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
> Subject: RE: Ex. 7(A)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, May 24, 2019 7:26 AM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: Re: Ex. 7(A)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi Deborah! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Thanks
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
> <image001.png>
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Thursday, May 23, 2019 1:41 PM
> To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> Thank you for the warm welcome. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks.
>
> Deborah
>
> From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Sent: Thursday, May 23, 2019 1:35 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.
>
>
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
>
> Thanks Doug
>
>
>
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Thursday, May 23, 2019 1:12 PM
> To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Subject: Ex. 7(A)
>
> Hello. You can call me at Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>
> <3EZ5262-Ltr to Vagelatos Murphy w at.pdf>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/11/2019 6:21:26 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Ex. 7(A)

Great, thanks!

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Tuesday, June 11, 2019 2:06 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 6 - Deliberative Process (DP) & Attorney Client

On Jun 11, 2019, at 1:40 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah - Ex. 6 - Deliberative Process (DP) & Attorney Client Thanks!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Ex. 6 - Deliberative Process (DP) & Attorney Client Ex. 6 - Deliberative Process (DP) & Attorney Client Have a good weekend.

From: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Re: Ex. 7(A)

Ex. 6 - Deliberative Process (DP) & Attorney Client

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 6 - Deliberative Process (DP) & Attorney Client

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Re: Ex. 7(A)

Ex. 6 - Deliberative Process (DP) & Attorney Client

Ex. 6 - Deliberative Process (DP) & Attorney Client

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 6 - Deliberative Process (DP) & Attorney Client

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Re: Ex. 7(A)

Ex. 6 - Deliberative Process (DP) & Attorney Client

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:

Ex. 6 - Deliberative Process (DP) & Attorney Client Thanks.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 6 - Deliberative Process (DP) & Attorney Client

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
Karen and Caroline,

Ex. 6 - Deliberative Process (DP) & Attorney Client

Ex. 6 - Deliberative Process (DP) & Attorney Client

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>) <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>; makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis

(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Ex. 6 - Deliberative Process (DP) & Attorney Client

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>)
<Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>>;
'makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>'
<makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov<mailto:Mark.Gallagher1@usdoj.gov>>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; 'Murphy, Kara'
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: Ex. 7(A)

Hello all,
I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 6 - Deliberative Process (DP) & Attorney Client

Ex. 6 - Deliberative Process (DP) & Attorney Client Have a nice Memorial Day weekend.
Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE)
<MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>> wrote:
Please see below for more context.
Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

Begin forwarded message:
From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Date: May 23, 2019 at 11:46:39 AM EDT
To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov<mailto:DBeckmann@usa.doj.gov>>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
Subject: Re: Ex. 7(A)
Diane and Matt

Ex. 6 - Deliberative Process (DP) & Attorney Client

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov<mailto:KDworkin@enrd.usdoj.gov>> wrote:
Mark – Ex. 6 - Deliberative Process (DP) & Attorney Client

Ex. 6 - Deliberative Process (DP) & Attorney Client

Ex. 6 - Deliberative Process (DP) & Attorney Client

Thanks Mark.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 6:18:01 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)

Thanks for that! And we'll keep that in mind.

-----Original Message-----
From: Feinmark, Phyllis
Sent: Friday, May 24, 2019 1:25 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Murphy, Kara
Sent: Friday, May 24, 2019 12:48 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Feinmark, Phyllis
Sent: Friday, May 24, 2019 8:44 AM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you all.

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:35 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 7:30 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:26 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Thank you for the warm welcome. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 4:02:50 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport
Attachments: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 8:58 AM
To: karen.dworkin@usdoj.gov; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; John.Vagelatos@usdoj.gov; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

Please see below for more context.

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

Begin forwarded message:

From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Date: May 23, 2019 at 11:46:39 AM EDT
To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/24/2019 11:26:19 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Ex. 7(A)
Attachments: image001.png

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Thank you for the warm welcome. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Ex. 7(A)

Hello. You can call me at Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 11:22:27 AM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Hi Deborah! This is great news!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thank you for the warm welcome. I am looking forward to working with all of you Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>

Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 6/5/2019 9:04:53 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: SEP letter
Attachments: SEP email to Susan_clean.docx; SEP email to Susan_redline.docx

Ex. 5 AC/AWP/DP, Ex. 7(a)

From: Schaaf, Eric
Sent: Tuesday, June 4, 2019 3:11 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: SEP letter

Works for me – Paul?

From: Feinmark, Phyllis
Sent: Tuesday, June 4, 2019 3:05 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: SEP letter

Ex. 5 AC/AWP/DP, Ex. 7(a)

From: Schaaf, Eric
Sent: Tuesday, June 4, 2019 2:47 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: FW: SEP letter

Resending with the markup attached.

From: Schaaf, Eric
Sent: Tuesday, June 4, 2019 2:46 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: SEP letter

Ex. 5 AC/AWP/DP, Ex. 7(a)

From: Feinmark, Phyllis
Sent: Tuesday, June 4, 2019 1:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: SEP letter

I think this is close to what you need. At least it gives you something to work from.

From: Simon, Paul
Sent: Tuesday, June 4, 2019 10:19 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Fwd: SEPs

Sent from my iPhone

Begin forwarded message:

> **From:** "Schaaf, Eric" <Schaaf.Eric@epa.gov>
> **Date:** May 20, 2019 at 12:26:05 PM EDT
> **To:** "Lopez, Peter" <lopez.peter@epa.gov>
> **Cc:** "Simon, Paul" <Simon.Paul@epa.gov>
> **Subject: SEPs**
>
> Pete: here is an updated version of the summary and talking points I sent you on May 1st regarding SEPs. This takes into account information we've learned in the last few weeks.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/29/2019 1:06:23 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Mark,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah

From: Zwany, Deborah (USANYE)
Sent: Wednesday, May 29, 2019 8:49 AM
To: 'Modigliani, Justine' <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 8:20 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

I know. Thank you.

Sent from my iPhone

On May 29, 2019, at 7:22 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 29, 2019, at 7:12 AM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: **Ex. 7(A)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: **Ex. 7(A)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD)

<MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office

Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT
> > **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckm

ann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re:

Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

(I'm on a short vacation, and not always easily available)

-Mark

On May 23, 2019, at

10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Mark –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks
Mark.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/19/2018 12:26:23 AM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let's hope we get things next week.

Thanks

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION

Stuart,

Ex. 7(A)

Ex. 7(A)

Thank you,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/23/2018 10:22:21 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject:
Attachments:

Ex. 7(A)

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 23, 2018 6:21 PM
To: sbesen@milbermakris.com
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,

Ex. 7(A)

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/8/2017 3:31:47 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Phyllis –
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, September 07, 2017 4:58 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara,
I attached Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Best,
John

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 3/22/2018 10:38:07 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) I'm out tomorrow and pretty booked on Monday. So Tuesday at the earliest.

Sent from my iPhone

On Mar 22, 2018, at 5:51 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> FYI – Let me know when you are available for a call with John and Sandra. Tomorrow? Monday? Thanks
>
> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Thursday, March 22, 2018 4:39 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Cc:** Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** Ex. 7(A)
>
> Hi Kara,
> I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> Thank you,
> John
>
> John Vagelatos
> Assistant United States Attorney
>
> United States Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East
> Brooklyn, New York 11201
>
> Telephone: 718-254-6182
> Facsimile: 718-254-7489

Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/18/2018 5:07:18 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Update

I know. I'll have more info later today. I'll email you or call you right away.

From: Feinmark, Phyllis
Sent: Thursday, October 18, 2018 12:59 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Update

Ex. 5 AC/DP

From: Murphy, Kara
Sent: Thursday, October 18, 2018 12:56 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Update

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, October 18, 2018 12:11 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Update

Ex. 5 AC/DP

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, October 18, 2018 12:06 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Update

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, October 18, 2018 11:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>

Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Update

Hey Kara,
I got your vm.
I don't have anything further from Stuart yet.
I am tied up until around 5, but will email you the revised Consent Judgment language (in response to Stuart's inquiry) later today and will follow up with Stuart as well.
Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/18/2018 8:38:19 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: SEP Update - Spoke to Caroline Makepeace
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) 1-

FYI – Karen Dworkin.

From: Murphy, Kara
Sent: Thursday, January 18, 2018 2:41 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: SEP Update - Spoke to Caroline Makepeace

Hi Ladies –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/1/2018 10:53:56 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A)

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/30/2018 11:02:51 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments:

FYI
Doug – any word back from DEC? Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/28/2018 4:17:13 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC), Ex. 7(a)
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:12 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:08 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:59 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:58 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Wednesday, November 28, 2018 10:56 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 28, 2018, at 10:54 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 28, 2018, at 10:39 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi,

Ex. 5 AC/DP

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi, Bob. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/17/2018 7:36:11 PM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, January 11, 2018 8:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Kara.
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, January 11, 2018 12:58 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, January 11, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Hi Kara,
Happy New Year! I hope you, your family and everyone at EPA have a happy and healthy 2018 as well!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, January 11, 2018 10:53 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John –

Happy New Year! Wishing you and your family a great 2018!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/17/2018 5:51:24 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 17, 2018 12:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hey Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Friday, January 12, 2018 12:51 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEP CD Language Help

Great, thank you!

From: Makepeace, Caroline
Sent: Friday, January 12, 2018 10:40 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: R Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/4/2019 12:18:36 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Friday, February 01, 2019 6:42 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a great weekend,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/8/2017 1:45:18 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Phyllis!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, July 27, 2017 6:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York

271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/25/2019 6:32:42 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: FW: Ex. 7(A)

FYI

From: Zwany, Deborah (USANYE)
Sent: Thursday, July 25, 2019 2:32 PM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Sent: Friday, July 19, 2019 10:36 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, July 19, 2019 9:59 AM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Sent: Friday, July 19, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Ex. 7(A)

Hi Deborah,

Ex. 5 AC/AWP/DP

Thanks,

Abby

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, July 19, 2019 9:54 AM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: Ex. 7(A)

Hi Abigail,

Ex. 5 AC/DP, Ex. 7(a)

Thanks.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

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Message

From: Green, Katherine [Green.Katherine@epa.gov]
Sent: 7/25/2019 4:08:32 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: R Ex. 7(A)
Attachments: Ex. 5 - Attorney-Client (AC)

Hi Deborah,

Ex. 5 - Attorney-Client (AC)

Katherine

Katherine Green
Water Compliance Branch
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226
green.katherine@epa.gov

From: Zwany, Deborah (USANYE) [mailto:Deborah.Zwany@usdoj.gov]
Sent: Thursday, July 25, 2019 11:25 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office

Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2018 4:50:41 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

FYI – hopefully we'll hear from John soon.

From: Modigliani, Justine
Sent: Friday, June 08, 2018 12:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Fwd: Ex. 7(A)

Thanks for keeping on top of John, Kara. Let's hope he's reached out to Stuart, or this reminder inspires him to do so today.

Justine

Begin forwarded message:

> **From:** "Murphy, Kara" <Murphy.Kara@epa.gov>
> **Date:** June 8, 2018 at 12:10:12 PM EDT
> **To:** "John.Vagelatos@usdoj.gov" <John.Vagelatos@usdoj.gov>
> **Cc:** "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "Mann, Katherine" <Mann.Katherine@epa.gov>, "Murphy, Kara" <Murphy.Kara@epa.gov>
> **Subject: RE:** Ex. 7(A)
>
> Hi John - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks
>
> -----Original Message-----
> From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> Sent: Thursday, May 31, 2018 3:54 PM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
> Subject: Re: Ex. 7(A)
>
> Thanks
> I am traveling back Ex. 6 - Personal Privacy (PP)
> I will try to call you, connections permitting.
>
> Sent from my iPhone
>
> On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi John -
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/21/2018 9:01:24 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments:

FYI

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, December 20, 2018 6:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A)

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, December 19, 2018 11:45 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John – I just left you a voicemail. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you!

From: Murphy, Kara
Sent: Tuesday, December 04, 2018 3:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 1:42 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/27/2018 12:15:48 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thoughts?

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, November 21, 2018 5:13 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Ex. 7(A)

Kara,

Ex. 5 Attorney Client (AC)

Have a happy Thanksgiving and let's talk next week.

Best,

John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/22/2017 11:59:07 AM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I will be in the office tomorrow, Friday, and reachable by email next week.

Ex. 6 - Personal Privacy (PP)

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/8/2018 9:16:29 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Ex. 5 AC/AWP/DP

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 08, 2018 3:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I am available and happy to discuss today or tomorrow. Ex. 6 - Personal Privacy (PP)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/4/2018 3:34:42 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Huh?

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:13 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Newly Proposed SEP

Hi Kara –
Happy to talk, and I could do it after 1:30 (actually to be safer, after 1:45, in case the 1pm call goes long, but if 1:30 is your best time, grab that). Just send me a meeting request so it gets held on the calendar.

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 10:01 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>

Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

I hope you are well and getting better weather than we are in NYC.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let me know if you have some time today to discuss. If not, please let me know what your availability is next week.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/11/2019 3:27:16 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: RE: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hello all,

Ex. 5 - Attorney-Client (AC)

Have a good weekend!

Deborah

-----Original Message-----
From: Zwany, Deborah (USANYE)
Sent: Wednesday, July 3, 2019 2:44 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Ex. 5 AC/DP, Ex. 7(a)

All,

Ex. 5 - Attorney-Client (AC)

Have a great 4th.

Deborah

-----Original Message-----
From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, July 3, 2019 8:01 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Re: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC), Ex. 7(a)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

> On Jul 2, 2019, at 7:05 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
>> On Jul 2, 2019, at 4:35 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>
>> Thank you all. Happy 4th!
>>
>> -----Original Message-----
>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>> Sent: Tuesday, July 2, 2019 4:14 PM
>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
>> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>> Subject: Ex. 5 AC/DP, Ex. 7(a)
>>
>> Thanks very much. Hope you all have a great 4th.
>>

>> On Jul 2, 2019, at 4:05 PM, Makepeace, Caroline
<Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>> wrote:
>>
>> Hi all,
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>
>> Have a great holiday and weekend!
>>
>> Caroline Makepeace
>> Senior Counsel
>> Office of Civil Enforcement
>> US Environmental Protection Agency
>> 202-564-6012
>>
>> This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.
>>
>> From: Feinmark, Phyllis
>> Sent: Monday, July 01, 2019 10:42 AM
>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine
<Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas
<McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: RE: Ex. 5 AC/DP, Ex. 7(a)
>>
>> Thank you, Caroline. Ex. 6 - Personal Privacy (PP)
>>
>> From: Makepeace, Caroline
>> Sent: Monday, July 1, 2019 10:09 AM
>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine
<Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas
<McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: Ex. 5 AC/DP, Ex. 7(a)
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>> Sent from my iPhone
>>
>> On Jul 1, 2019, at 9:51 AM, Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>
>> From: Makepeace, Caroline
>> Sent: Monday, July 1, 2019 9:41 AM
>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas
<McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>
>> Thanks! Ex. 6 - Personal Privacy (PP)
>> Sent from my iPhone
>>
>> On Jul 1, 2019, at 8:38 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>> Of course! Ex. 6 - Personal Privacy (PP) I'm around. I believe Katherine is as well. Thanks
>>
>> From: Makepeace, Caroline
>> Sent: Monday, July 01, 2019 8:17 AM
>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas
<McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>
>> Hi Kara and Katherine,

>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP) and I can get to your draft in the afternoon, but if not, would tomorrow be okay?
>> Sent from my iPhone
>>
>> On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>> Hi Caroline –
>>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>> Please let us know if you want to discuss today, or if you prefer to discuss on Monday, Katherine and I are available. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>> Thanks
>>
>> Kara E. Murphy
>> Assistant Regional Counsel
>> U.S. EPA, Region 2
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> (212) 637-3211 (Phone)
>> (212) 637-3202 (Fax)
>>
>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>
>> <image001.png>
>>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/3/2018 4:17:45 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Thursday, August 02, 2018 5:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Silverman, Matthew (USANYE) [mailto:Matthew.Silverman@usdoj.gov]
Sent: Thursday, August 2, 2018 5:06 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Ex. 7(A)

Hi Phyllis, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
Matt

Matthew Silverman
Assistant U.S. Attorney
Eastern District of New York
271 Cadman Plaza East, 7th Fl.
Brooklyn, NY 11201
Tel: 718-254-6409
Fax: 718-254-6081

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/29/2017 2:35:00 PM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Ex. 7(A)
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.pdf

Thanks John. Please see the attached.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, September 28, 2017 4:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 7(A)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 9/27/2018 9:50:32 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Consent Judgment and Appendix B

Great thanks

On Sep 26, 2018, at 7:22 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: McKenna, Douglas
Sent: Wednesday, September 26, 2018 7:09 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Sep 26, 2018, at 6:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 8/28/2019 5:57:54 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)

Yes, but tomorrow is fine too.

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Wednesday, August 28, 2019 1:56 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Okay if I call you about 3:30?

Sent from my iPhone

On Aug 28, 2019, at 1:51 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Green, Katherine <Green.Katherine@epa.gov>
Sent: Tuesday, May 28, 2019 5:27 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Hi Deborah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-Katherine

From: Feinmark, Phyllis
Sent: Tuesday, May 28, 2019 4:14 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM

To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman,

Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> **Date:** May 23, 2019 at 11:46:39 AM EDT
> **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
> **Cc:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> **Subject: Re:** Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM,
Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/3/2019 1:13:36 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Ex. 7(A) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP) Thanks.

> On Jul 3, 2019, at 9:07 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Wednesday, July 3, 2019 8:59 AM
> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: Re: V Ex. 5 AC/DP, Ex. 7(a)
>
> Thanks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
>> On Jul 3, 2019, at 7:52 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>
>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>> -----Original Message-----
>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>> Sent: Tuesday, July 2, 2019 7:06 PM
>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
>> Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>
>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>>> On Jul 2, 2019, at 4:35 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>>
>>> Thank you all. Happy 4th!
>>>
>>> -----Original Message-----
>>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>>> Sent: Tuesday, July 2, 2019 4:14 PM
>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
>>> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Thanks very much. Hope you all have a great 4th.
>>>
>>> On Jul 2, 2019, at 4:05 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>> wrote:
>>>
>>> Hi all,
>>>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>>
>>> Have a great holiday and weekend!
>>>
>>> Caroline Makepeace
>>> Senior Counsel
>>> Office of Civil Enforcement
>>> US Environmental Protection Agency
>>> 202-564-6012
>>>
>>> This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.
>>>
>>> From: Feinmark, Phyllis
>>> Sent: Monday, July 01, 2019 10:42 AM

>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: RE: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Thank you, Caroline. Ex. 6 - Personal Privacy (PP)
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 10:09 AM
>>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 9:51 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 9:41 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: V Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Thanks! Ex. 6 - Personal Privacy (PP)
>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 8:38 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Of course! Ex. 6 - Personal Privacy (PP) I'm around. I believe Katherine is as well. Thanks
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 01, 2019 8:17 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Hi Kara and Katherine,
>>> Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP) I can get to your draft in the afternoon, but if not, would tomorrow be okay?
>>> Sent from my iPhone
>>>
>>> On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Hi Caroline –
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>> Thanks
>>>
>>> Kara E. Murphy
>>> Assistant Regional Counsel
>>> U.S. EPA, Region 2
>>> 290 Broadway, 16th Floor

>>> New York, NY 10007
>>> (212) 637-3211 (Phone)
>>> (212) 637-3202 (Fax)
>>>
>>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>>
>>> <image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/3/2019 12:58:51 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Re: Ex. 5 AC/DP, Ex. 7(a)

Thank you.

> On Jul 3, 2019, at 8:01 AM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Sent from my iPhone
>
>> On Jul 2, 2019, at 7:05 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>
>>> On Jul 2, 2019, at 4:35 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>>
>>> Thank you all. Happy 4th!
>>>
>>> -----Original Message-----
>>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>>> Sent: Tuesday, July 2, 2019 4:14 PM
>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
>>> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Thanks very much. Hope you all have a great 4th.
>>>
>>> On Jul 2, 2019, at 4:05 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>> wrote:
>>>
>>> Hi all,
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> Have a great holiday and weekend!
>>>
>>> Caroline Makepeace
>>> Senior Counsel
>>> Office of Civil Enforcement
>>> US Environmental Protection Agency
>>> 202-564-6012
>>>
>>> This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.
>>>
>>> From: Feinmark, Phyllis
>>> Sent: Monday, July 01, 2019 10:42 AM
>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: RE: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Thank you, Caroline. Ex. 6 - Personal Privacy (PP)
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 10:09 AM
>>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>

>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 9:51 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 9:41 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Thanks! Crossing my fingers I'm through this shortly.😒
>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 8:38 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Of course! Ex. 6 - Personal Privacy (PP) I'm around. I believe Katherine is as well. Thanks
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 01, 2019 8:17 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP, Ex. 7(a)
>>>
>>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) u, Ex. 6 - Personal Privacy (PP)
>>> Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>> Sent from my iPhone
>>>
>>> On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> Thanks
>>>
>>> Kara E. Murphy
>>> Assistant Regional Counsel
>>> U.S. EPA, Region 2
>>> 290 Broadway, 16th Floor
>>> New York, NY 10007
>>> (212) 637-3211 (Phone)
>>> (212) 637-3202 (Fax)
>>>
>>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>>
>>> <image001.png>

>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 8/5/2019 5:55:04 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)

Don't depress me further!!

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 5, 2019 1:52 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: RE: Ex. 7(A)

Smart - enjoy the beach before climate change washes it away.

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, August 5, 2019 1:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Phyllis! Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 5, 2019 1:08 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: RE: Ex. 7(A)

Sounds good. Have a wonderful vacation!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, August 5, 2019 12:31 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Phyllis. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 5, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 2, 2019 3:33 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 3:28 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP) Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:41 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 2:17 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Kara! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) I did ask Stuart for a clean copy of the POS a Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 1:48 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks again!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 1:09 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 1, 2019 4:51 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 01, 2019 4:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Sorry. Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, July 31, 2019 5:53 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi Deborah – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, and have a good night.

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/23/2018 5:11:55 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

FYI

-----Original Message-----
From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Tuesday, October 23, 2018 12:33 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Re: Ex. 7(A)

Stuart,

Ex. 7(A)

Best,
John

On Oct 22, 2018, at 7:02 PM, Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>> wrote:

Ex. 7(A)

Thank you,

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>>
Cc: Murphy, Kara (Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>) <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov<mailto:Matthew.Silverman@usdoj.gov>>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

Ex. 7(A)

Thank you,
John

Message

From: Fischer, Lauren [Fischer.Lauren@epa.gov]
Sent: 11/28/2018 7:55:23 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Funny and true. Thank you!

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 2:53 PM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 2:49 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 1:25 PM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 11:16 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:15 AM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 11:12 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

Thanks!!

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:07 AM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Not a problem. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 11:06 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:31 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Subject: Need urgent input - AG memo on settlements with state and local gov't entities

Anything from you guys?

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-

Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Hi, Bob. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/5/2019 3:40:49 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Phyllis!

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 05, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 2, 2019 3:33 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 3:28 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:41 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 2:17 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Kara. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) I did ask Stuart for a clean copy of the POS Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 1:48 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 1:09 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 1, 2019 4:51 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 01, 2019 4:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, July 31, 2019 5:53 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi Deborah – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/1/2019 4:41:38 PM
To: Simon, Paul [Simon.Paul@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Simon, Paul
Sent: Monday, July 01, 2019 12:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi, Rosemarie. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/22/2018 11:10:41 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, October 22, 2018 7:01 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE Ex. 7(A)

I am requesting extending the production of Appendix A and B to October 31, 2018.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. For more information about MMP&S, please visit www.milbermakris.com

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject Ex. 7(A)

SETTLEMENT COMMUNICATION

Stuart,

Ex. 7(A)

Ex. 7(A)

Thank you,
John

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 8/2/2019 5:09:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Ex. 7(A)
Attachments: responses to comments in 7.259.19.draft cj_R2 Edits_August 1 2019.docx; 8.2.19..docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 1, 2019 4:51 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 01, 2019 4:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: Ex. 7(A)

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, July 31, 2019 5:53 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi Deborah Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, and have a good night.

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/28/2018 4:59:19 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: AG memo on settlements with state and local gov't entities

Not a problem! Just glad it is resolved.

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:56 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:17 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:12 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:08 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:59 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:58 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Wednesday, November 28, 2018 10:56 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 28, 2018, at 10:54 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 28, 2018, at 10:39 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Sent: 8/10/2017 10:58:30 AM
To: Fischer, Lauren [Fischer.Lauren@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Lauren - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

Begin forwarded message:

From: "Murphy, Kara" <Murphy.Kara@epa.gov>
Date: August 8, 2017 at 9:45:18 AM EDT
To: "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>
Cc: "Murphy, Kara" <Murphy.Kara@epa.gov>
Subject: F Ex. 7(A)

Thanks Phyllis!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, July 27, 2017 6:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/28/2018 3:56:34 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:31 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Subject: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-

Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>

Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/28/2018 3:55:47 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana

<Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 7/1/2019 6:39:34 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

FYI

From: Simon, Paul
Sent: Monday, July 1, 2019 12:44 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

<< File: Northport Final Briefing Paper 12-19-2018.docx >>

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 10/19/2018 1:31:39 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)

I agree. Thanks, all.

Sent from my iPhone

On Oct 19, 2018, at 9:21 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Friday, October 19, 2018 8:52 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subjec Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine

Sent from my iPhone

On Oct 18, 2018, at 8:26 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

FYI –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let's hope we get things next week.

Thanks

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION

Stuart,

Ex. 7(A)

Thank you,
John

Ex. 7(A)

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 5/10/2018 3:25:16 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 10, 2018 11:15 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 10, 2018 11:01 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

No. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 10, 2018 10:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

From: Murphy, Kara
Sent: Thursday, May 03, 2018 3:54 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 03, 2018 3:45 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi,
No, I have not.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 3, 2018 3:09 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John – Have you heard back from Stuart? Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Ex. 7(A)

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 6/14/2019 12:03:25 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Ex. 7(A)

Thank you. Lofty goals.

> On Jun 14, 2019, at 7:15 AM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Enjoy the weekend and Doug, I hope you get either a lot of attention or complete peace on Father's Day.
>
> On Jun 14, 2019, at 1:21 AM, Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:
>
Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Monday, Deborah. Have a great weekend, all, and happy father's day, Doug.
>
> Sent from my iPhone
>
> On Jun 13, 2019, at 10:38 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Sent: Thursday, June 13, 2019 10:13 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas
<McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine
<Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>
> Subject: Re: Ex. 7(A)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
> Sent from my iPhone
>
> On Jun 13, 2019, at 8:32 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> From: Zwany, Deborah (USANYE)
> Sent: Thursday, June 13, 2019 8:28 PM
> To: 'Murphy, Kara' <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine
<Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>
> Subject: RE: Ex. 7(A)
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks.
>
>
> From: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Sent: Tuesday, June 11, 2019 1:39 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>

> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@e[redacted]Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> Hi Deborah - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Friday, May 31, 2019 9:45 AM
> To: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> From: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>
> Sent: Wednesday, May 29, 2019 7:13 AM
> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Re: Ex. 7(A)
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
> Sent from my iPhone
>
> On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> From: McKenna, Douglas
> Sent: Tuesday, May 28, 2019 3:55 PM
> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Re: Ex. 7(A)
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
>
>
> On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> From: McKenna, Douglas
> Sent: Tuesday, May 28, 2019 3:37 PM
> To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Re: Ex. 7(A)
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.
>
> From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
> Sent: Tuesday, May 28, 2019 3:22 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
> Subject: Re: Ex. 7(A)
>
> Hi Deborah
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> M
>
> On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
> Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks again,
>
> Deborah
>
> From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>
> Sent: Friday, May 24, 2019 3:04 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>;
makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
> Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> Thanks Deborah!
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Friday, May 24, 2019 3:02 PM
> To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>;
makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
> Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> From: Zwany, Deborah (USANYE)
> Sent: Friday, May 24, 2019 8:58 AM
> To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>)
<Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>>;
'makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>'
<makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>>
> Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov<mailto:Mark.Gallagher1@usdoj.gov>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; 'Murphy, Kara'
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Ex. 7(A)
>
> Hello all,
> I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in
a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a nice Memorial Day weekend.

> Deborah
>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>
>
>
> On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE)
<MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>> wrote:
> Please see below for more context.
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
> From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
> Date: May 23, 2019 at 11:46:39 AM EDT
> To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov<mailto:DBeckmann@usa.doj.gov>>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
> Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
> Subject: Re: Ex. 7(A)
> Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

> -Mark
>
> On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov<mailto:KDworkin@enrd.usdoj.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Thanks Mark.
>
>

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 11/13/2018 7:35:09 PM
To: Stuart Besen [sbesen@milbermakris.com]; Murphy, Kara [Murphy.Kara@epa.gov]; Ex. 7(A)
Ex. 7(A)
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Stuart,

Ex. 7(A)

Thank you,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 9, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 7(A)

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797

516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thanks again Stuart and Tim for taking time to review the list below.

Ex. 7(A)

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Ex. 7(A)

Ex. 7(A)

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/9/2017 7:22:04 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF

Justine - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Tuesday, February 07, 2017 11:59 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

works best for you so you have time to review. Thanks!

From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Besen <sbesen@milbermakris.com>
Subject: Ex. 7(A)

Ex. 7(A)

Elizabeth Maiello
Legal Assistant

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2017 11:15:31 AM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; John.Vagelatos@usdoj.gov; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Wednesday, June 07, 2017 4:39 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Wednesday, June 07, 2017 2:52 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Wednesday, June 07, 2017 2:15 PM
To: Vagelatos, John (USANYE); Modigliani, Justine; Mann, Katherine
Cc: Murphy, Kara
Subject Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-ends-third-party-settlement-practice

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2018 8:05:40 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)

Great, thanks Katherine! Have a great weekend too!

-----Original Message-----
From: Mann, Katherine
Sent: Friday, June 08, 2018 4:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hey Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a great weekend!

Katherine

-----Original Message-----
From: Murphy, Kara
Sent: Friday, June 8, 2018 12:10 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 31, 2018 3:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

Thanks
Ex. 6 - Personal Privacy (PP)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/31/2018 7:59:14 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Ok thanks. Safe travels. If not, I'll talk to you next week. Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 31, 2018 3:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

Thanks

Ex. 6 - Personal Privacy (PP)

I will try to call you, connections permitting.

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 7(A) Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts)_R2 Edits.docx>

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 5/31/2018 7:54:07 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)
Attachments: image001.png

Thanks

Ex. 6 - Personal Privacy (PP)

I will try to call you, connections permitting.

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 7(A)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 5:21:19 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Fyi – let's talk tomorrow.

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 12:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

FYI. I'll probably have to address these points.

From: Silverman, Matthew (USANYE)
Sent: Wednesday, October 31, 2018 12:22 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

John,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE)
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Ex. 7(A)

Kara,

Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Stuart P. Besen
Partner

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 5:19:32 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments: Attached Image

FYI

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 12:07 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Resending

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:13 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 3:49:54 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments: 3L82821-Appendix B SEP EPA.DOCX

Importance: High

Ex. 5 AC / Ex. 7(A)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Ex. 7(A)

Kara

Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 5/29/2018 10:58:00 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I am leaving for business tonight, but will be reachable by email and telephone.
If you want to have a short call so I can let you know how it went with Stuart, email me and let me know when you're available, and we can set something up.

Best,
John

From: Vagelatos, John (USANYE)
Sent: Tuesday, May 29, 2018 5:30 PM
To: 'Murphy, Kara' <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

I just spoke to Stuart.
If you're free now, I can recount the call quickly.
I'll be here and available until 6:30/7.
Feel free to call me at Ex. 6 Personal Privacy (PP)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, May 29, 2018 10:36 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Great, thanks John. Hopefully Stuart will touch base with you this week.
And thanks, we had a great weekend too, but always too short.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 29, 2018 10:27 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Hi Kara,
Thank you, we did. I hope you and your family did as well.
I wasn't able to reach Stuart before the weekend and he is in court this morning.

I've left him a voicemail and asked him to call me.
I'll keep you updated and will copy you on the email transmitting the updated version of the CJ after I speak to him.
Best,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, May 29, 2018 9:54 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John –

Hope you and your family had a great holiday weekend!

Ex. 5 AC/DP

Thanks

From: Murphy, Kara
Sent: Thursday, May 24, 2018 11:06 AM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE Ex. 7(A)

Ok, great. Thanks John.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 24, 2018 10:28 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

Hi Kara,
I didn't get a chance to get it out yesterday, but am planning on doing so today.
I'll call you if I come up with any questions.
Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 24, 2018 10:22 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John – Just wanted to check in to see if you had a call with Stuart or are planning to do it today or tomorrow? I know you had a lot going on when we spoke, but wanted to see if you have some follow-up questions for us. We're in today so let us know. Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/26/2018 9:37:21 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC/DP

Talk to you tomorrow.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 26, 2018 3:55 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John –

Justine, Katherine and I met to discuss Ex. 7(A) Below are our comments. We are available to discuss Friday after 12:30pm. If not tomorrow, let us know which days work for you next week.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/1/2019 4:54:08 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, July 01, 2019 12:44 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/1/2019 4:41:56 PM
To: Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Proposed settlement -- Northport

Great, thanks Katherine! ☺

From: Green, Katherine
Sent: Monday, July 01, 2019 12:41 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Monday, July 1, 2019 12:30 PM
To: Green, Katherine <Green.Katherine@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Simon, Paul
Sent: Monday, July 01, 2019 12:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/26/2018 8:05:56 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 26, 2018 3:55 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 5/21/2018 7:30:49 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) thanks!

Sent from my iPhone

On May 21, 2018, at 2:50 PM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 12:19 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Monday, May 21, 2018 12:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Monday, May 21, 2018 11:45 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:29 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Monday, May 21, 2018 11:07 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs

Hi Caroline –

There are 2 SEPs. The first is installing 2 raingardens. The second is hooking 26 houses and 1 business to the sewer system. This is the info from Northport:

At this time I would like to confirm that we will be placing two (2) rain gardens at a cost of $10,000.00 each in the Village of Northport with a completion date no longer than May 18, 2019.

We are also requesting credit for a Supplemental Environmental Project on Bluff Point Road which consists of 26 residential homes and one commercial site being hooked up to our sewer system thereby replacing the cesspools which are environmentally problematic. The engineering cost that is being paid by the Village of Northport is the sum of $126,750.00. The Bluff point project anticipated end date is two years.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 10:41 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff

Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

-----Original Appointment-----
From: Murphy, Kara
Sent: Monday, May 21, 2018 10:23 AM
To: Makepeace, Caroline; Modigliani, Justine; Mann, Katherine
Subject: Northport SEPs
When: Tuesday, May 22, 2018 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: R2NY-Rm-2034-8p.DECA/R2-NY

Caroline - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/12/2018 5:56:55 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Attachments: 2015 Updated SEP Policy (3).pdf

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC). Thanks

---

From: Makepeace, Caroline
Sent: Friday, January 12, 2018 10:40 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: S Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sure. What's your timing on this?
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/21/2018 4:44:31 PM
To: Stuart Besen [sbesen@milbermakris.com]; John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Hi Stuart –

Ex. 7(A)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, May 18, 2018 7:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

I look forward to speaking with you next week.

Stuart P. Besen
Partner

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Best regards,

John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/5/2018 3:31:10 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

Looks like you are all set for tomorrow at 11:30am. Hope all goes well. I'll be around if want me to come upstairs and talk after the call or if want to give me a call. Thanks!

From: Murphy, Kara
Sent: Monday, March 05, 2018 10:30 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Yes same number. Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, March 05, 2018 10:25 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Great thanks same number

Sent from my iPhone

On Mar 5, 2018, at 10:22 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – Katherine and Justine can talk at 11:30am. Thanks
>
> ---
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Monday, March 05, 2018 10:12 AM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** Re: Ex. 7(A)
>
> Can we move this call tomorrow to either 9 am or 11:30 or later thanks
>
> Sent from my iPhone
>
> On Mar 2, 2018, at 1:07 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:
>
>> Here is the conference line. Thanks
>>
>> Conference number: Ex. 6 - Personal Privacy (PP)
>
> Ex. 6 - Personal Privacy (PP)

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Thursday, March 01, 2018 4:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Yes. 10:30 would be fine. Please provide a number where we can reach Katherine and Justine. Ex. 7(A) number is Ex. 6 Personal Privacy (PP) I believe Tim's extension is 311 or dial 0. I would prefer if we could dial them.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, March 01, 2018 2:58 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

So is 10:30am ok for Tuesday, March 6th? I'll let Katherine and Justine know. You will let Tim and Damon know. I just need a phone number where they can be reached at and I'll give to my client. Thanks!

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 6 - Personal Privacy (PP) I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 7(A)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>

Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Ex. 6 - Personal Privacy (PP), the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/20/2018 2:21:59 PM
To: John.Vagelatos@usdoj.gov; Stuart Besen [sbesen@milbermakris.com]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 7(A)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 19, 2018 4:10 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Thanks Stuart.

Ex. 7(A)

Thanks again.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, April 19, 2018 2:41 PM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Ex. 7(A)

I will have my comments to you this weekend. I have a huge motion due tomorrow. Can we speak after you review my comments.

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 19, 2018 11:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Good morning Stuart,

Ex. 7(A)

Best,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, March 29, 2018 2:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Good morning Stuart,

Ex. 7(A)

Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Ex. 7(A)

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,

Ex. 7(A)

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/5/2018 3:22:12 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Great, thanks. I'll email Stuart back and let you know.

From: Mann, Katherine
Sent: Monday, March 05, 2018 10:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Hi Kara,

11:30 AM should work for us.

-Katherine

From: Murphy, Kara
Sent: Monday, March 5, 2018 10:14 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

FYI – please advise. Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, March 05, 2018 10:12 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Can we move this call tomorrow to either 9 am or 11:30 or later thanks

Sent from my iPhone

On Mar 2, 2018, at 1:07 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Here is the conference line. Thanks
>
> Conference number: Ex. 6 - Personal Privacy (PP)
>
> Ex. 6 - Personal Privacy (PP)
>
> ---
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Thursday, March 01, 2018 4:16 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** RE: Ex. 7(A)

Yes. 10:30 would be fine. Please provide a number where we can reach Katherine and Justine. Ex. 7(A) number is Ex. 6 Personal Privacy (PP) believe Tim's extension is 311 or dial 0. I would prefer if we could dial them.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, March 01, 2018 2:58 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

So is 10:30am ok for Tuesday, March 6th? I'll let Katherine and Justine know. You will let Tim and Damon know. I just need a phone number where they can be reached at and I'll give to my client. Thanks!

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Tim gets back on Monday. I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 7(A)

Kara E. Murphy

Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: john.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: john.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, Ex. 6 - Personal Privacy (PP) Ex. 6 - Personal Privacy (PP), the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 1/11/2018 4:14:50 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jan 11, 2018, at 10:53 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi John –

Happy New Year! Wishing you and your family a great 2018!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 7/1/2019 12:16:40 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/19/2018 7:03:19 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP

From: Murphy, Kara
Sent: Thursday, April 19, 2018 2:53 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 19, 2018 11:39 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Kara,
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thank you,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 5, 2018 11:24 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 7/22/2019 11:41:52 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP)

Sent from my iPhone

On Jul 22, 2019, at 5:36 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

Begin forwarded message:

From: "Zwany, Deborah (USANYE)" <Deborah.Zwany@usdoj.gov>
Date: July 22, 2019 at 4:22:13 PM EDT
To: "Murphy, Kara" <Murphy.Kara@epa.gov>
Cc: "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>, "McKenna, Douglas" <McKenna.Douglas@epa.gov>, "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "Green, Katherine" <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE)
Sent: Friday, July 19, 2019 10:46 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Rosner, Abigail
To: Zwany, Deborah

Ex. 5 - Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, July 19, 2019 9:59 AM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Attorney-Client (AC)

From: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Sent: Friday, July 19, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Ex. 7(A)

Hi Deborah,

Ex. 5 - Attorney-Client (AC)

Thanks,
Abby

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, July 19, 2019 9:54 AM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: Ex. 7(A)

Hi Abigail,

Ex. 5 - Attorney-Client (AC)

Thanks.

Deborah

Original Message-----
From: Zwany, Deborah (USANYE)
Sent: Friday, July 19, 2019 10:01 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 10/23/2018 2:12:56 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Ex. 7(A)

Yes

On Oct 23, 2018, at 10:11 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Monday, October 22, 2018 7:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A)

Kara,
How would EPA like to handle?
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, October 22, 2018 7:01 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A)

I am requesting extending the production of Appendix A and B to October 31, 2018.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com>

Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

Ex. 7(A)

Thank you,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/21/2018 1:27:25 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: John.Vagelatos@usdoj.gov; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Monday, May 21, 2018 8:10 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: John.Vagelatos@usdoj.gov
Subject: RE: Ex. 7(A)

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Monday, May 21, 2018 7:10 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, May 18, 2018 7:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

I look forward to speaking with you next week.

Stuart P. Besen
Partner

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Best regards,

John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 6/27/2019 7:24:44 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Ex. 7(A)
Attachments: 3EZ5262-Ltr to Vagelatos Murphy w at.pdf; 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF; Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 1:23 PM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

If you can do the call between now and 2, I am available. Otherwise, it will have to be Friday. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Wednesday, June 26, 2019 1:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: FW: Ex. 7(A)

Deborah and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-m

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, June 26, 2019 12:22 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Cc: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Ex. 7(A)

Hi Mark,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/13/2017 4:14:56 PM
To: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Ex. 6 - Personal Privacy (PP) We'll wait to hear back from you.
Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, February 13, 2017 10:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Ex. 7(A)

Hi Kara,
Just wanted to drop a quick note. Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP)
John

Sent from my iPhone

On Feb 10, 2017, at 11:32 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Take care,
Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/10/2018 12:35:47 AM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Ex. 7(A)

Ok great, thanks Katherine. Good luck in the field!

From: Mann, Katherine
Sent: Monday, April 09, 2018 8:25 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)
Ex. 7(A)

Ah sorry. I read too quickly. I am in the field the next couple days, but Thursday or Friday Justine and I should both be in!

From: Murphy, Kara
Sent: Monday, April 9, 2018 7:10 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)
Ex. 7(A)

Yes, spoke to Caroline. I went into it in the second paragraph below. If around tomorrow, maybe you, Justine and I can talk. Thanks!

From: Murphy, Kara
Sent: Thursday, April 05, 2018 12:09 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)
Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: McKenna, Douglas
Sent: Thursday, April 05, 2018 11:14 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Ex. 7(A)
Ex. 7(A)

Ex. 5 AC/DP

From: Crisafulli, Scott w (DEC) [mailto:scott.crisafulli@dec.ny.gov]
Sent: Thursday, April 05, 2018 9:08 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; DiMura, Joseph (DEC) <joseph.dimura@dec.ny.gov>
Subject Ex. 7(A)
Ex. 7(A)

Ex. 5 - Attorney-Client (AC)

From: McKenna, Douglas [mailto:McKenna.Douglas@epa.gov]
Sent: Tuesday, March 27, 2018 4:24 PM
To: DiMura, Joseph (DEC) <joseph.dimura@dec.ny.gov>; Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject: Ex. 7(A)
Ex. 7(A)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Here it is looks longer cause its double spaced…..

Thanks Doug

From: Murphy, Kara
Sent: Tuesday, March 27, 2018 4:01 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)
Ex. 7(A)

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, March 27, 2018 3:56 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>

Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Kara,
As per our call.
Best,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/17/2018 3:29:11 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)
Attachments:

FYI – sorry, just checked this one as well. I'll let him know.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:39 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,

Ex. 7(A)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 12/20/2018 11:25:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, December 19, 2018 11:45 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you!

From: Murphy, Kara
Sent: Tuesday, December 04, 2018 3:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 1:42 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/14/2018 6:32:53 PM
To: John.Vagelatos@usdoj.gov; Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Great, thanks John. I'll wait for your direction once you speak to Stuart. Thanks

---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, May 14, 2018 2:03 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Yes, I can speak tomorrow.
From the times you mention, why don't we speak amongst ourselves tomorrow at 10 and with Stuart at 10:30?
I'll confirm his availability.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Monday, May 14, 2018 12:43 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Ex. 7(A)

Yes, can talk tomorrow except 11:45-1:30 and not after 3:45. So looks like 10-11 or 3-3:45.
John – let us know if these times work for you. Thanks

From: Mann, Katherine
Sent: Monday, May 14, 2018 12:31 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Yes, anytime except 11-12 or 2-3.

From: Modigliani, Justine
Sent: Monday, May 14, 2018 12:27 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

I can find time tomorrow. You guys?

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, May 14, 2018 12:21 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine

<Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Ex. 7(A)

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/2/2018 11:52:54 PM
To: Stuart Besen [sbesen@milbermakris.com]; John.Vagelatos@usdoj.gov
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Stuart – Besides you when I send out the scheduler should I invite anyone else f Ex. 7(A) hanks

---

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, April 02, 2018 6:38 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Ok 3:00 pm.

Stuart P. Besen
Of Counsel
.....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 02, 2018 6:36 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Yes, we are available.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, April 2, 2018 4:10 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Ex. 7(A)

Are you available tomorrow at 3:00 pm?

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 3:01 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

I am available to speak this Monday or Tuesday, April 2nd or 3rd, at your convenience.
I am away the following Monday and Tuesday, the 9th and 10th.
Please let me know what works for you Stuart. I am happy to answer any questions you may have.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, March 29, 2018 2:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Good morning Stuart,

Ex. 7(A)

Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Ex. 7(A)

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,

Ex. 7(A)

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/24/2019 8:01:31 PM
To: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Ex. 7(A)

Hi Ben,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Bahk, Benjamin
Sent: Monday, June 24, 2019 3:41 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: FW: Ex. 7(A)

FYI – will give you a call now

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Makepeace, Caroline
Sent: Friday, June 21, 2019 12:50 PM
To: karen.dworkin@usdoj.gov
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 21, 2019, at 12:04 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Sent: 6/17/2019 6:02:40 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Bruce, Susan [Bruce.Susan@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Northport

Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Modigliani, Justine
Sent: Monday, June 17, 2019 12:18 PM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Bruce, Susan <Bruce.Susan@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Re: Northport

Hi Ben,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine

Sent from my iPhone

On Jun 17, 2019, at 8:16 AM, Bahk, Benjamin <Bahk.Benjamin@epa.gov> wrote:

Hello Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/27/2018 11:18:49 AM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Consent Judgment and Appendix B

No worries. Hope all went well upstate! Thanks for your feedback.

From: Mann, Katherine
Sent: Wednesday, September 26, 2018 9:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Hi Kara,

Sorry I missed your call (again) today. This all sounds good to me.

Thanks!

Katherine

From: Murphy, Kara
Sent: Wednesday, September 26, 2018 6:43 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) . Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM

To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Please review and let me know when you have the additional information, or if you have any questions.

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 9/29/2017 3:58:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Ex. 7(A)

Ok, thank you.

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, September 29, 2017 11:58 AM
To: Vagelatos, John (USANYE)
Cc: Modigliani, Justine; Mann, Katherine; Murphy, Kara
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/17/2019 4:34:11 PM
To: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
CC: Bruce, Susan [Bruce.Susan@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Re: Northport

The payable cash penalty agreed to was $125,000

Sent from my iPhone

On Jun 17, 2019, at 11:54 AM, Bahk, Benjamin <Bahk.Benjamin@epa.gov> wrote:

> Great. Thank you. And could you fill in the blank about the penalty? Folks here have asked about that.
>
> Ben Bahk
> Branch Chief, Industrial Branch
> U.S. Environmental Protection Agency
> Office of Civil Enforcement
> 1200 Pennsylvania Ave. NW Mail Code 2243A
> Washington, DC 20460
> 202-564-4293
>
> Help eliminate environmental violations - report tips and complaints at:
> http://www.epa.gov/compliance/complaints/index.html
>
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>
> ---
>
> **From:** Modigliani, Justine
> **Sent:** Monday, June 17, 2019 11:19 AM
> **To:** Bahk, Benjamin <Bahk.Benjamin@epa.gov>
> **Cc:** Bruce, Susan <Bruce.Susan@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
> **Subject:** Re: Northport
>
> Hi Ben,
>
> Katherine and I are literally in the middle of hosting training. Will take a look at the break.
>
> Justine
>
> Sent from my iPhone
>
> On Jun 17, 2019, at 8:16 AM, Bahk, Benjamin <Bahk.Benjamin@epa.gov> wrote:
>
>> Hello Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 6/14/2019 6:55:43 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> On Jun 14, 2019, at 11:06 AM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, June 14, 2019 11:03 AM
> To: Green, Katherine <Green.Katherine@epa.gov>
> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
> Subject: Re: Ex. 7(A)
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.
>
> On Jun 14, 2019, at 10:45 AM, Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>> wrote:
>
> Hi Deborah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Katherine
>
>
> From: Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>>
> Sent: Friday, May 18, 2018 7:18 PM
> To: John.Vagelatos@usdoj.gov<mailto:John.Vagelatos@usdoj.gov>
> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Mann, Katherine <Mann.Katherine@epa.gov<mailto:Mann.Katherine@epa.gov>>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov<mailto:Sandra.Levy@usdoj.gov>>
> Subject: RE: Ex. 7(A)
>

Ex. 7(A)

> I look forward to speaking with you next week.
>
> Stuart P. Besen
> Partner
> .....
> MMP&S
> Milber Makris Plousadis & Seiden, LLP
> 1000 Woodbury Road, Suite 402
> Woodbury, New York 11797
> 516.712.4000 ext. 1176
> 516.712.4013 fax
> sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>
>

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>
> From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> Sent: Monday, April 30, 2018 6:13 PM
> To: Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>>
> Cc: Murphy, Kara (Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>) <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine (Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>) <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Mann, Katherine (Mann.Katherine@epa.gov<mailto:Mann.Katherine@epa.gov>) <Mann.Katherine@epa.gov<mailto:Mann.Katherine@epa.gov>>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov<mailto:Sandra.Levy@usdoj.gov>>
> Subject: Ex. 7(A)
>
> SETTLEMENT COMMUNICATION
> SUBJECT TO FED. R. CIV. P. 408
>
> Stuart,
>

Ex. 7(A)

>
> Best regards,
> John
>
>
>
> John Vagelatos
> Assistant United States Attorney
>
> United States Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East
> Brooklyn, New York 11201
>
> Telephone: 718-254-6182
> Facsimile: 718-254-7489
> Email: John.Vagelatos@USDOJ.gov<mailto:John.Vagelatos@USDOJ.gov>
>
>

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 11/14/2018 3:17:11 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am
Attachments: Ex. 7(A)

Hi Kara & Justine,

Ex. 5 AC/DP

-Katherine

From: Murphy, Kara
Sent: Tuesday, November 13, 2018 2:45 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Tuesday, Nov. 6, 2018 @ 10am

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Tuesday, November 13, 2018 2:36 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Kara,

Ex. 5 AC/DP

Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, November 13, 2018 2:00 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

would be great. Thanks, Kara

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 7(A)

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thanks again Stuart and Tim for taking time to review the list below.

Ex. 7(A)

Ex. 7(A)

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Just wanted to send an email for our call on Tuesday, pending Tim's availability.

Ex. 7(A)

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 4/27/2018 6:11:19 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Friday, April 27, 2018 10:27 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Friday, April 27, 2018 7:04 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 26, 2018 5:05 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEPs

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 26, 2018 5:02 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Tuesday, March 27, 2018 4:46 PM
To Ex. 7(A)
Cc: sbesen@milbermakris.com; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: SEPs

Hi Tim,

Ex. 7(A)

Thanks in advance.
-Katherine

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 10/31/2018 3:53:22 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Woops just realized this is something different.

I'll take a look at this too!

From: Murphy, Kara
Sent: Wednesday, October 31, 2018 11:50 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)
Importance: High

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Ex. 7(A)

Kara,
Please see attached Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/22/2018 9:58:49 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Sounds good.

From: Murphy, Kara
Sent: Thursday, March 22, 2018 5:57 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Sorry Katherine. Meant to cc you. Probably best if Doug is on, and maybe even Phyllis. Thanks. I'll keep you posted.

From: Mann, Katherine
Sent: Thursday, March 22, 2018 5:56 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Not sure if John wanted us on the call, but either day works for me.

Katherine

From: Murphy, Kara
Sent: Thursday, March 22, 2018 5:51 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

FYI – Let me know when you are available for a call with John and Sandra. Tomorrow? Monday? Thanks

---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 22, 2018 4:39 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Hi Kara,
I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 10/31/2018 3:52:51 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Hi Kara,

Sorry. I did not get to this on Monday and yesterday turned out to be crazy. I'll send you and Justine my comments/edits by the end of today.

Happy Halloween!

Katherine

From: Murphy, Kara
Sent: Wednesday, October 31, 2018 11:50 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)
Importance: High

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Ex. 7(A)

Kara,
Please see attached Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Green, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 7/30/2019 11:25:32 PM
To: Green, Katherine [Green.Katherine@epa.gov]
Subject: FW: Tuesday, Nov. 6, 2018 @ 10am

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Wednesday, November 14, 2018 12:15 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thank you Kara.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, November 14, 2018 10:42 AM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Tuesday, November 13, 2018 2:36 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Kara,
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, November 13, 2018 2:00 PM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, Kara

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 7(A)

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thanks again Stuart and Tim for taking time to review the list below.

Ex. 7(A)

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Just wanted to send an email for our call on Tuesday, pending Tim's availability.

Ex. 7(A)

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 5/21/2018 4:55:47 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [murphy.kara@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Monday, May 21, 2018 12:17 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:52:49 AM
To: Murphy, Kara; Modigliani, Justine; Mann, Katherine
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Monday, May 21, 2018 11:45 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport S

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:29 AM

To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport S

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Monday, May 21, 2018 11:07 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 10:41 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

-----Original Appointment-----
From: Murphy, Kara
Sent: Monday, May 21, 2018 10:23 AM
To: Makepeace, Caroline; Modigliani, Justine; Mann, Katherine
Subject: Northport
When: Tuesday, May 22, 2018 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: R2NY-Rm-2034-8p.DECA/R2-NY

Caroline – We'll call you. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks

Message

From: Green, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 6/28/2019 2:17:07 PM
To: Murphy, Kara [murphy.kara@epa.gov]
Subject: FW: Ex. 7(A)

See below.

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, May 17, 2018 11:34 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Thanks, sorry about dropping Kathering and double-copying you – apparently I was relying on the autopopulate too quickly.
Sorry again Katherine.
I'll move a little slower going forward.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 17, 2018 11:31 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Ex. 7(A)

Thanks John. We'll be discussing today. Just an FYI – this email and the one to Stuart, by accident Katherine wasn't cc'd. I was cc'd twice. Hasn't happened before so just want to make sure she's on for the future ones. Thanks! ☺

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Good evening all.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 5/17/2018 3:38:15 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; John.Vagelatos@usdoj.gov
Subject: RE: Ex. 7(A)

No problem! Thanks for forwarding Kara.

From: Murphy, Kara
Sent: Thursday, May 17, 2018 11:37 AM
To: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

I've done that. In fact, I've sent to a wrong person before b/c of autopopulate (ok maybe more than once, but don't tell anyone), luckily it was to a cool person who deleted and told me! ☺

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 17, 2018 11:34 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Thanks, sorry about dropping Kathering and double-copying you – apparently I was relying on the autopopulate too quickly.
Sorry again Katherine.
I'll move a little slower going forward.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 17, 2018 11:31 AM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Subject: RE: Ex. 7(A)

Thanks John. We'll be discussing today. Just an FYI – this email and the one to Stuart, by accident Katherine wasn't cc'd. I was cc'd twice. Hasn't happened before so just want to make sure she's on for the future ones. Thanks! ☺

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Good evening all.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 5/17/2018 3:15:32 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Thanks!

From: Murphy, Kara
Sent: Thursday, May 17, 2018 11:15 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Good evening all.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 4/9/2018 9:11:31 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hey Kara,

Did you end up talking with Caroline last week?

Katherine

From: Murphy, Kara
Sent: Wednesday, April 4, 2018 1:16 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:13 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Happy to talk, and I could do it after 1:30 (actually to be safer, after 1:45, in case the 1pm call goes long, but if 1:30 is your best time, grab that). Just send me a meeting request so it gets held on the calendar.

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 10:01 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

I hope you are well and getting better weather than we are in NYC.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Appointment

From: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Sent: 8/7/2019 1:56:21 PM
To: Voo, Leonard [Voo.Leonard@epa.gov]

Subject: FW: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System
Location: Call in number 1-855-564-1700, conference extension- 1104845, participate code 234567 - HQ folks meet in Greg's office

Start: 8/7/2019 8:30:00 PM
End: 8/7/2019 9:00:00 PM
Show Time As: Tentative

fyi

-----Original Appointment-----
From: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Sent: Tuesday, August 6, 2019 3:18 PM
To: Walker, Yolaanda; Aber, Bruce; Teter, Royan
Cc: Sullivan, Greg; Saenz, Diana; Schaaf, Eric; Simon, Paul; Shapiro, Naomi; Gutierrez, Claudia
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System
When: Wednesday, August 7, 2019 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Call in number 1-855-564-1700, conference extension- 1104845, participate code 234567 - HQ folks meet in Greg's office

HQ folks meet in Greg's office.

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
DELIBERATIVE PROCESS/ENFORCEMENT CONFIDENTIAL
DO NOT RELEASE UNDER FOIA

Hi Greg,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Gutierrez, Claudia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03E596AFEA504F91A6C5BB3857A6FEA6-GUTIERREZ, CLAUDIA]
Sent: 8/8/2019 1:45:48 PM
To: Diaz, Sandra [Diaz.Sandra@epa.gov]
Subject: highlights
Attachments: case.summary.8.9.2019.xlsx

Highlights:

Claudia will be traveling to Puerto Rico on 8/21. She will training, presenting, and assisting EQB at a Gas Station retailers and Convenient Stores Conference. The main purpose is to talk about new UST regulation requirements which came into effect in October 2018. EQB asked that the state and federal appeared (as we are) on the same page on Enforcement and Compliance Assistance.

Ed Guster will be at Incident Command Training at Region 3 next week.

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 AC/AWP/DP, Ex. 7(a)

Ex. 5 DP / Ex. 7(A)

Claudia Gutierrez, M.S./US Environmental Protection Agency/290 Broadway, NY, NY/212-637-5036

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 12/12/2018 4:46:19 PM
To: Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Ex. 7(A)

Hi Richard,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Kan, Richard
Sent: Wednesday, December 12, 2018 11:16 AM
To: Leong, Denise <Leong.Denise@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A)

Denise,

Most of the information on SEPs can be found on EPA's website: https://www.epa.gov/enforcement/supplemental-environmental-projects-seps
Additionally, to find examples of SEPs that have already been approved in past settlements, the ECHO database has this information publicly available.

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

-Richard

From: Leong, Denise
Sent: Tuesday, December 04, 2018 6:27 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>

Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 6:25 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A)

Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 6:23 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Ex. 7(A)

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Mr. Cho,

This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Ex. 7(A)

Ex. 7(A)

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Ex. 7(A) - confidential

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 12/4/2018 10:44:03 PM
To: Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: revised draft EPA- Ex. 7(A)
Attachments: 12-4-18 revised draft Ex. 7(A) (D0355654x8DF41).docx

Importance: High

FYI- from James.

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 5:11 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: revised draft EPA- Ex. 7(A)
Importance: High

Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA Ex. 7(A)
Importance: High

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Thank you.

Eli D. Eilbott

DWG&P
DUNCAN WEINBERG GENZER PEMBROKE

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Thanks for the email. We'll check on our end and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of
>
> Ex. 7(A)
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036

(202) 467-6370 | ede@dwgp.com
www.dwgp.com

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/19/2018 1:33:56 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: Ex. 7(A) confidential
Attachments: Ex. 7(A) - 2018-11-16.pdf

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott <EDE@dwgp.com>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A) - confidential

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FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/16/2018 10:36:47 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
CC: Porter, Amy [Porter.Amy@epa.gov]
Subject: RE: SEP policy "waiver" questions
Attachments: Ex. 5 Attorney Client (AC)

Hi Caroline, Ex. 5 AC / Ex. 7(A) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Makepeace, Caroline
Sent: Friday, November 16, 2018 1:48 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: SEP policy "waiver" questions

Guys -

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Nov 16, 2018, at 1:03 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Hi Guys,

Ex. 5 AC / Ex. 7(A)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

-----Original Appointment-----
From: Leong, Denise
Sent: Thursday, November 15, 2018 9:57 AM
To: Leong, Denise; Buettner, Robert; Villatora, Liliana; LaVigna, Gaetano; Kan, Richard; Makepeace, Caroline
Subject: SEP policy "waiver" questions
When: Friday, November 16, 2018 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: R2NY-Rm-2125A-15p.DECA/R2-NY

Update: Caroline not available today, we will try for Friday. – Thanks, Denise

Ex. 5 AC / Ex. 7(A)

R2 folks, we can meet in room 2125 (not the usual conference room).

<Bullets on Munis and SEPs.11.2.18.docx>

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/16/2018 9:17:56 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: Ex. 7(A) - 2018-11-16 (draft) EPA's response ms.docx
Attachments: Ex. 7(A) 2018-11-16 (draft) EPA's response ms.docx

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, November 16, 2018 3:57 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A) 2018-11-16 (draft) EPA's response ms.docx

Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 11/15/2018 3:58:36 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: Re: SEP policy "waiver" questions

Thanks Caroline.

Denise - I don't think that we need to have this call prior to responding to Ex. 7(A). Our response on the issue is probably good enough for now. We do need to know what options are possibly available to us prior to our meeting with them on the 27th, even if we can't talk until Monday.

Ex. 5 AC/DP

Sent from my iPhone

> On Nov 15, 2018, at 10:11 AM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:
>
> Hi all,
> I'm more than happy to talk with you all, and it's always good to get the full picture of the case and circumstances. Especially since it is very easy to get tangled up with the various threads of the SEP policy (minimum penalties; potential valuation of the project; etc. in particular can be quite confusing).

Ex. 6 Personal Privacy (PP)

for your schedule, and the timing of the case, to talk Friday? I'll make myself available whenever works for you.
>
> Sent from my iPhone
>
>> On Nov 15, 2018, at 9:56 AM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>>
>> Hi Caroline, We would like to have a call with you regarding the SEP policy and our matter. We will give you a call if this time works for you. Thanks, Denise
>>
>> R2 folks, we can meet in room 2125 (not the usual conference room).
>> <meeting.ics>

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 11/15/2018 2:18:29 PM
To: Leong, Denise [Leong.Denise@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Ex. 7(A) SEP questions update

I am I n mandatory training this morning, but please have the call without me, if necessary.

Ex. 5 AC / Ex. 7(A)

From: Leong, Denise
Sent: Thursday, November 15, 2018 9:14 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A) SEP questions update

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 11/30/2018 2:09:31 PM
To: Kan, Richard [Kan.Richard@epa.gov]
Subject: Fwd: meeting - Ex. 7(A)

Highlight also

Robert Buettner
Chief, Air Compliance Branch
US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007
buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Leong, Denise" <Leong.Denise@epa.gov>
Date: November 30, 2018 at 9:06:27 AM EST
To: "Buettner, Robert" <Buettner.Robert@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Kan, Richard" <Kan.Richard@epa.gov>
Subject: FW: meeting - Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 29, 2018 8:22 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: meeting

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 29, 2018 at 6:50:22 PM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: meeting

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Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>> wrote:
Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three (

Ex. 7(A)

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com>
www.dwgp.com<http://www.dwgp.com/>

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 8/30/2019 8:22:21 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A) Briefing for RA 8-30-19.docx

Hi All: Ex. 5 AC / Ex. 7(A) Thanks, Denise

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Friday, August 30, 2019 2:59 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Liliana

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 4/23/2019 2:56:23 PM
To: Leong, Denise [Leong.Denise@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

Gaetano La Vigna, Chief

Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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-----Original Message-----
From: Leong, Denise
Sent: Tuesday, April 23, 2019 10:39 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: FW: Ex. 7(A) CD & SEP(s)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, April 22, 2019 5:47 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Denise,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Let's discuss tomorrow when you are available. I am around most of the day.

Thanks,

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Monday, April 22, 2019 4:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 10:33 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201

Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Ex. 7(A) CD draft compliance req

Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)

718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 4/23/2019 2:39:23 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: FW: Ex. 7(A) CD & SEP(s)
Attachments: ENV_ENFORCEMENT #2805313-v1-Ex. 7(A) CJ_19_4_19_+MG + MSEDNY rev 4_22_19-.docx

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, April 22, 2019 5:47 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Denise,

Ex. 5 AC / Ex. 7(A)

Let's discuss tomorrow when you are available. I am around most of the day.

Thanks,

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Monday, April 22, 2019 4:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 10:33 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>

Subject: RE: Ex. 7(A) CD draft compliance req

Hi James,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Ex. 7(A) CD draft compliance req

Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201

718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 7/8/2019 1:12:30 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: FW: revised draft EPA-Ex. 7(A)
Attachments: 12-4-18 revised draft Ex. 7(A) (D0355654x8DF41).docx

Importance: High

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Leong, Denise
Sent: Tuesday, December 04, 2018 5:44 PM
To: Kan, Richard <kan.richard@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: revised draft EPA-Ex. 7(A)
Importance: High

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 5:11 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: revised draft EPA- Ex. 7(A)
Importance: High

Denise,
See attached updated term sheet from Ex. 7(A).

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA- Ex. 7(A)
Importance: High

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Mr. Cho,

Ex. 7(A)

Thank you.

Eli D. Eilbott

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

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Thanks for the email. We'll check on our end and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

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Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of Ex. 7(A)
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com
> www.dwgp.com
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 12/18/2018 9:39:48 PM
To: Kan, Richard [Kan.Richard@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A) .pdf

Ex. 5 AC / Ex. 7(A)

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Kan, Richard
Sent: Wednesday, December 12, 2018 11:16 AM
To: Leong, Denise <Leong.Denise@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A)

Denise,

Most of the information on SEPs can be found on EPA's website: https://www.epa.gov/enforcement/supplemental-environmental-projects-seps
Additionally, to find examples of SEPs that have already been approved in past settlements, the ECHO database has this information publicly available. Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

-Richard

From: Leong, Denise
Sent: Tuesday, December 04, 2018 6:27 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: Ex. 7(A)

See email below Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 6:25 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A)

Denise,
See email below. Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 6:23 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Ex. 7(A)

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Mr. Cho,

This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Ex. 7(A)

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Ex. 7(A) confidential

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Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 11/13/2018 10:51:35 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: Re: questions about EPA's SEP Policy

Let's discuss tomorrow

Sent from my iPhone

> On Nov 13, 2018, at 11:43 AM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>

Ex. 5 AC / Ex. 7(A)

>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2
> Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> -----Original Message-----
> From: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Sent: Tuesday, November 13, 2018 11:26 AM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: Fwd: questions about EPA's SEP Policy
>

Ex. 5 AC / Ex. 7(A)

>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
> Brooklyn, New York 11201<x-apple-data-detectors://9/0>
> 718-254-6519<tel:718-254-6519> (direct)
> 718-254-7483<tel:718-254-7483> (fax)
> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>
> Begin forwarded message:
>
> From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
> Date: November 13, 2018 at 11:21:13 AM EST
> To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
> Subject: questions about EPA's SEP Policy
>
> PRIVILEGED AND CONFIDENTIAL
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> NOT ADMISSIBLE PURSUANT TO F.R.E. 408
>
> Mr. Cho,
>

Ex. 7(A)

>
>

Ex. 7(A)

>
> Eli
>
>
> Eli D. Eilbott
>
> [Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.
>
>

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 7/18/2019 8:56:51 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: Ex. 7(A) question

Thank you!

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Thursday, July 18, 2019 4:50 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>
Subject: Re: Ex. 7(A) question

Agreed, we are moving forward!

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

> On Jul 18, 2019, at 4:42 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Thursday, July 18, 2019 4:36 PM
> To: Leong, Denise <Leong.Denise@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>
> Subject: Ex. 7(A) question
>
> Lilliana, Denise,

Ex. 5 AC / Ex. 7(A)

>
> Thanks
> Matt
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY

Message

From: Cho, James (USANYE) [James.Cho@usdoj.gov]
Sent: 12/4/2018 10:10:40 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: FW: revised draft EPA-Ex. 7(A) term sheet
Attachments: 12-4-18 revised draft Ex. 7(A) erm sheet (D0355654x8DF41).docx

Importance: High

Denise,
See attached updated term sheet from Ex. 7(A).

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA-Ex. 7(A) term sheet
Importance: High

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Thank you.

Eli D. Eilbott

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Thanks for the email. We'll check on our end and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Ex. 7(A)
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com
> www.dwgp.com
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.
>
> ---
>
> **From:** Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
> **Sent:** Monday, November 26, 2018 3:38 PM
> **To:** Eli Eilbott
> **Subject:** meeting
>
> I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
> At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security. Thanks.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)

718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 4/24/2019 6:50:30 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: Re: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

> On Apr 24, 2019, at 2:46 PM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>
> Hi Matt,
>

Ex. 5 AC / Ex. 7(A)

>
> Thanks, Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Wednesday, April 24, 2019 10:51 AM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>

Ex. 5 AC / Ex. 7(A)

>
> -----Original Message-----
> From: Silverman, Matthew (USANYE)
> Sent: Wednesday, April 24, 2019 10:47 AM
> To: 'Leong, Denise' <Leong.Denise@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

>
> Thanks,
> Matt
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Tuesday, April 23, 2019 5:45 PM
> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>
> Hi Matt,

Ex. 5 AC / Ex. 7(A)

>
> Thanks, Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Monday, April 22, 2019 5:47 PM
> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>
> Denise,

Ex. 5 AC / Ex. 7(A)

> Let's discuss tomorrow when you are available. I am around most of the day.
>
> Thanks,
>
> Matthew Silverman
> Assistant United States Attorney
> Chief of Environmental Litigation, Civil Division Eastern District of New York
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, New York 11201
> Tel: 718-254-6409
> Fax: 718-254-6081
> matthew.silverman@usdoj.gov
>
>
>
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Monday, April 22, 2019 4:13 PM

> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>
> Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Friday, April 19, 2019 10:33 AM
> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>

Ex. 5 AC / Ex. 7(A)

>
> I'm around most of next week, but feel free to reach out at your convenience.
>
> Matt
>
> Matthew Silverman
> Assistant United States Attorney
> Chief of Environmental Litigation, Civil Division Eastern District of New York
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, New York 11201
> Tel: 718-254-6409
> Fax: 718-254-6081
> matthew.silverman@usdoj.gov
>
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Friday, April 19, 2019 10:07 AM
> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>
> Hi Matt,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

> Thanks, Denise
>
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Friday, April 19, 2019 9:36 AM
> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Ex. 7(A) CD & SEP(s)
>
> Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

> Thanks!
>
> Matt
>
> Matthew Silverman
> Assistant United States Attorney
> Chief of Environmental Litigation, Civil Division Eastern District of New York
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, New York 11201
> Tel: 718-254-6409
> Fax: 718-254-6081
> matthew.silverman@usdoj.gov
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Tuesday, February 5, 2019 10:29 AM
> To: Cho, James (USANYE) <JCho@usa.doj.gov>
> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
> Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

> -----Original Message-----
> From: Leong, Denise
> Sent: Tuesday, January 29, 2019 4:58 PM
> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Subject: RE: Ex. 7(A) CD draft compliance req
>
> Hi James,

Ex. 5 AC / Ex. 7(A)

>
> Thanks, Denise
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
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>
>
> -----Original Message-----
> From: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Sent: Monday, January 28, 2019 4:36 PM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
>
> -----Original Message-----
> From: Cho, James (USANYE) <JCho@usa.doj.gov>
> Sent: Monday, January 28, 2019 4:34 PM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
> Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Friday, December 14, 2018 12:00 PM
> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
> Subject: RE: Ex. 7(A) CD draft compliance req
>
> Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

> Thanks, Denise
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199

>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Friday, December 14, 2018 11:55 AM
> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Cc: Leong, Denise <Leong.Denise@epa.gov>
> Subject: Re: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:
>
> Hi Denise,

Ex. 5 AC / Ex. 7(A)

>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>
> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
> Sent: Wednesday, August 8, 2018 1:59 PM
> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
> Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A) Thanks, Denise

>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
> Sent: Wednesday, August 08, 2018 1:58 PM
> To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
> Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>
> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
> Sent: Wednesday, August 8, 2018 1:54 PM

> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
> Subject: Ex. 7(A) CD draft compliance req
>

Ex. 5 AC / Ex. 7(A)

>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
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>
>
> <ENV_ENFORCEMENT #2805313-v1-Ex. 7(A)CJ_19_4_19_+MG + MSEDNY rev 4_22_19_epa 4-23-19.docx>

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 4/23/2019 1:57:25 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Ex. 7(A) CD & SEP(s)

Thanks!

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, April 23, 2019 9:57 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Sure, I'll give you a call at 2pm. Thank you, Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Tuesday, April 23, 2019 9:45 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Ex. 7(A) CD & SEP(s)

Would 2pm work for you by any chance?

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

> On Apr 23, 2019, at 9:39 AM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>
> Hi Matt, no problem. Will 3pm work for a call? Thanks, Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Monday, April 22, 2019 7:01 PM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Subject: Re: Ex. 7(A) CD & SEP(s)
>
> Denise, I have meetings tomorrow at 10 and at 11. There may be some time to talk around 10:30, but it might be easier to talk tomorrow afternoon if that works for you. Thanks.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
>> On Apr 22, 2019, at 4:13 PM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>>
>> Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise
>>
>> -----Original Message-----
>> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Sent: Friday, April 19, 2019 10:33 AM
>> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
>> Subject: RE: Ex. 7(A) CD & SEP(s)
>>

Ex. 5 AC / Ex. 7(A)

>> I'm around most of next week, but feel free to reach out at your convenience.

>>
>> Matt
>>
>> Matthew Silverman
>> Assistant United States Attorney
>> Chief of Environmental Litigation, Civil Division Eastern District of New York
>> 271 Cadman Plaza East, 7th Floor
>> Brooklyn, New York 11201
>> Tel: 718-254-6409
>> Fax: 718-254-6081
>> matthew.silverman@usdoj.gov
>>
>>
>>
>>
>> -----Original Message-----
>> From: Leong, Denise <Leong.Denise@epa.gov>
>> Sent: Friday, April 19, 2019 10:07 AM
>> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
>> Subject: RE: Ex. 7(A) CD & SEP(s)
>>
>> Hi Matt,

Ex. 5 AC / Ex. 7(A)

>> Thanks, Denise
>>
>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
>> Fax: (212) 637-3199
>>
>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>
>>
>> -----Original Message-----
>> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Sent: Friday, April 19, 2019 9:36 AM
>> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
>> Subject: RE: Ex. 7(A) CD & SEP(s)
>>
>> Good Morning Liliana, Denise,
>>

Ex. 5 AC / Ex. 7(A)

>>
>> Thanks!
>>
>> Matt
>>
>> Matthew Silverman
>> Assistant United States Attorney
>> Chief of Environmental Litigation, Civil Division Eastern District of New York
>> 271 Cadman Plaza East, 7th Floor
>> Brooklyn, New York 11201
>> Tel: 718-254-6409
>> Fax: 718-254-6081
>> matthew.silverman@usdoj.gov
>>
>>
>>
>> -----Original Message-----
>> From: Leong, Denise <Leong.Denise@epa.gov>
>> Sent: Tuesday, February 5, 2019 10:29 AM
>> To: Cho, James (USANYE) <JCho@usa.doj.gov>
>> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>

Ex. 5 AC / Ex. 7(A)

>>
>> -----Original Message-----
>> From: Leong, Denise
>> Sent: Tuesday, January 29, 2019 4:58 PM
>> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
>> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>
>> Hi James,

Ex. 5 AC / Ex. 7(A)

>>
>> Thanks, Denise
>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
>> Fax: (212) 637-3199
>>
>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>
>>
>> -----Original Message-----
>> From: Cho, James (USANYE) <James.Cho@usdoj.gov>
>> Sent: Monday, January 28, 2019 4:36 PM
>> To: Leong, Denise <Leong.Denise@epa.gov>
>> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>

Ex. 5 AC / Ex. 7(A)

>>
>> James R. Cho
>> Assistant U.S. Attorney

>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov
>>
>>
>> -----Original Message-----
>> From: Cho, James (USANYE) <JCho@usa.doj.gov>
>> Sent: Monday, January 28, 2019 4:34 PM
>> To: Leong, Denise <Leong.Denise@epa.gov>
>> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>
>> Hi Denise,

Ex. 5 AC / Ex. 7(A)

>> James R. Cho
>> Assistant U.S. Attorney
>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov
>>
>>
>> -----Original Message-----
>> From: Leong, Denise <Leong.Denise@epa.gov>
>> Sent: Friday, December 14, 2018 12:00 PM
>> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>
>> Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

>> Thanks, Denise
>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
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>>
>>
>> -----Original Message-----
>> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Sent: Friday, December 14, 2018 11:55 AM
>> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
>> Cc: Leong, Denise <Leong.Denise@epa.gov>
>> Subject: Re: Ex. 7(A) CD draft compliance req
>>
>> Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

>> Truly,
>> Matthew Silverman
>> Assistant U.S. Attorney, EDNY
>>
>> On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:
>>
>> Hi Denise,

Ex. 5 AC / Ex. 7(A)

>> James R. Cho
>> Assistant U.S. Attorney
>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>>
>> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
>> Sent: Wednesday, August 8, 2018 1:59 PM
>> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>

Ex. 5 AC / Ex. 7(A)

>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
>> Fax: (212) 637-3199
>>
>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>
>>
>> From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
>> Sent: Wednesday, August 08, 2018 1:58 PM
>> To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
>> Subject: RE: Ex. 7(A) CD draft compliance req
>>

Ex. 5 AC / Ex. 7(A)

>> James R. Cho
>> Assistant U.S. Attorney
>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>>
>> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
>> Sent: Wednesday, August 8, 2018 1:54 PM
>> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
>> Subject: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
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>>
>>

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 4/19/2019 2:32:38 PM
To: Leong, Denise [Leong.Denise@epa.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Ex. 7(A) CD & SEP(s)
Attachments: 2019-4-18 Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division
Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor

New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Ex. 7(A) CD draft compliance req

Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Hi Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)

james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Message

From: Froikin, Sara [Froikin.Sara@epa.gov]
Sent: 8/22/2017 7:50:49 PM
To: King, Rachel (ENRD) [Rachel.King@usdoj.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: King, Rachel (ENRD) [mailto:Rachel.King@usdoj.gov]
Sent: Tuesday, August 22, 2017 2:42 PM
To: Froikin, Sara <Froikin.Sara@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Rachel Evans King
Trial Attorney
US Department of Justice
ENRD/EES
202-514-5471
Rachel.King@usdoj.gov

On Aug 22, 2017, at 2:31 PM, Froikin, Sara <Froikin.Sara@epa.gov> wrote:

PRIVILEGED

Hi Rachel,

Ex. 5 AC/AWP

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: LaVigna, Gaetano
Sent: Tuesday, August 22, 2017 12:00 PM

To: Froikin, Sara <Froikin.Sara@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: LaVigna, Gaetano
Sent: Wednesday, May 31, 2017 3:36 PM
To: Simpson, James <Simpson.James@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message.

From: Simpson, James
Sent: Friday, May 19, 2017 11:53 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)
Importance: High

Hello folks,

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

Ex. 7(A)

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 8/30/2019 5:42:39 PM
To: Simon, Paul [Simon.Paul@epa.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: RE: change in plans for this afternoon

Ex. 5 AC / Ex. 7(A)

From: Simon, Paul
Sent: Friday, August 30, 2019 1:41 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Re: change in plans for this afternoon

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Aug 30, 2019, at 1:21 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Paul,

Ex. 5 AC / Ex. 7(A)

Liliana

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 6/24/2019 8:59:08 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]; Leong, Denise [Leong.Denise@epa.gov]
Subject: Ex. 7(A)

Works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

How is 11am for all?

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:57 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Thursday works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:46 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Wednesday is a bit tight, though I could do a call at 11am or noon.

Thursday I am free.

Matt

From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, June 24, 2019 4:44 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

I'm available any time on Wednesday and on Thursday, except from 3:30-5 p.m.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor

Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:40 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Yes I think we should talk. What is a good time for you?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 2:30 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Good Afternoon,

Ex. 5 AC / Ex. 7(A)

Matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Cho, James (USANYE) [James.Cho@usdoj.gov]
Sent: 6/24/2019 8:58:40 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Leong, Denise [Leong.Denise@epa.gov]
Subject: Ex. 7(A)

Let me know if 10 a.m. on Thursday works. If so, I'll send around a calendar invite.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:57 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Thursday works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:46 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Wednesday is a bit tight, though I could do a call at 11am or noon.

Thursday I am free.

Matt

From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, June 24, 2019 4:44 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

I'm available any time on Wednesday and on Thursday, except from 3:30-5 p.m.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York

271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:40 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Yes I think we should talk. What is a good time for you?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 2:30 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A)

Good Afternoon,

Ex. 5 AC / Ex. 7(A)

Matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 6/24/2019 3:17:34 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: FW: SEPs and mitigation status

Ex. 5 AC / Ex. 7(A)

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 11:16 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: SEPs and mitigation status

Ex. 5 AC / Ex. 7(A)

Thanks
Matt

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 11:13 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: SEPs and mitigation status

I am in a meeting right now that will run until about noon. Can I give you a call then?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 11:11 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: SEPs and mitigation status

Hi Liliana, do you have a minute or two today to talk about Ex. 7(A)? Thanks,
matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Tuesday, May 7, 2019 12:29 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: SEPs and mitigation status

Yes, please let me know when you want to talk

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Tuesday, May 7, 2019 12:15 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: SEPs and mitigation status

Hi Liliana, do you have a few minutes free today to follow up on our discussion yesterday? Thanks, matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 5/24/2019 9:25:33 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]
Subject: Re: Ex. 7(A) - proposed dates for follow up meeting

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On May 24, 2019, at 5:21 PM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Fyi re: our June 7th meeting.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Sent: Friday, May 24, 2019 5:19 PM
To: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Subject: RE: Ex. 7(A) - proposed dates for follow up meeting

We are available on June 7th. Let's pencil in that date for a tentative meeting subject to receiving any comments that you may have beforehand. Once we get comments back from you, we can have a discussion as to whether we think meeting on June 7th will still be productive or whether to meet later in the month.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Sent: Wednesday, May 22, 2019 11:31 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Ex. 7(A) - proposed dates for follow up meeting

Thanks, I will run those dates by Ex. 7(A). I take it June 7 didn't work for you?

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, May 22, 2019 11:15 AM
To: Eli Eilbott
Subject: Ex. 7(A) - proposed dates for follow up meeting

Mr. Eilbott,
We checked our calendars, and we are available for a follow up meeting on June 26, June 27 (except in the afternoon), and June 28.
If any of those days work for you and Ex. 7(A) we can pencil in those days.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)

james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Cho, James (USANYE) [James.Cho@usdoj.gov]
Sent: 5/22/2019 3:13:16 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Ex. 7(A) - proposed consent judgment

Thanks.
Let's pencil in those days for now (except for June 27 in the afternoon. I have court that day).

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, May 17, 2019 5:16 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) - proposed consent judgment

Hi James, the EPA folks are available to meet june 26, 27, or 28th. Hope you have a good weekend. - Denise

---

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, May 14, 2019 6:04 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) - proposed consent judgment

Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, May 14, 2019 5:40 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) proposed consent judgment

Hi James, Thanks for the update. I will check in with the team regarding a meeting in June. - Denise

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, May 13, 2019 5:45 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A) - proposed consent judgment
Importance: High

Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Sunday, May 12, 2019 1:56 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) proposed consent judgment
Importance: High

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Mr. Cho,

Ex. 7(A)

enjoyable Mother's Day.

Regards,
Eli

Eli D. Eilbott

DWG&P
DUNCAN WEINBERG GENZER PEMBROKE

1667 K Street NW | Suite 700 | Washington, DC 20006
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

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From: Eli Eilbott
Sent: Monday, May 06, 2019 12:21 PM
To: 'Cho, James (USANYE)'
Subject: RE: Ex. 7(A) - proposed consent judgment

Thank you very much. I will review and discuss it with my client and then get back to you.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, May 06, 2019 10:53 AM
To: Eli Eilbott
Subject: Ex. 7(A) - proposed consent judgment

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Not Admissible Pursuant to FRE 408

Mr. Eilbott,
I've attached for your review and consideration the Government's proposed Consent Judgment, which is subject to further DOJ review and approval, in the Ex. 7(A) matter. I attached the draft as both a pdf and in rich-text format. Items highlighted in yellow are for Ex. 7(A) to complete.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 3/29/2019 8:36:13 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: Ex. 7(A) - implementing a SEP

Ex. 5 AC / Ex. 7(A) Thanks, Denise

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, March 29, 2019 4:32 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A) - implementing a SEP
Importance: High

Denise,
See update below from Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Friday, March 29, 2019 4:28 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) - implementing a SEP
Importance: High

James,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Monday, January 07, 2019 1:59 PM

To: 'Cho, James (USANYE)'
Subject: RE: Ex. 7(A) - implementing a SEP

Hi James, Happy New Year. Anything yet from EPA on this?

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Thursday, December 20, 2018 12:31 PM
To: Eli Eilbott
Subject: RE: Ex. 7(A) - implementing a SEP

Will check and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, December 20, 2018 10:50 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Re: Ex. 7(A) implementing a SEP

Good morning. Has EPA provided any feedback on this yet?

On Dec 4, 2018, at 6:25 PM, Cho, James (USANYE) <James.Cho@usdoj.gov> wrote:

> **PRIVILEGED AND CONFIDENTIAL**
> **FOR SETTLEMENT PURPOSES ONLY**
> **NOT ADMISSIBLE PURSUANT TO F.R.E. 408**
>
> I'll forward your inquiry to the EPA and get back to you.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
> ---
>
> **From:** Eli Eilbott <EDE@dwgp.com>
> **Sent:** Tuesday, December 4, 2018 6:23 PM
> **To:** Cho, James (USANYE) <JCho@usa.doj.gov>
> **Subject:** Ex. 7(A) - implementing a SEP
>
> **PRIVILEGED AND CONFIDENTIAL**

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Mr. Cho,

This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Ex. 7(A)

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Ex. 7(A) - confidential

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Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 12/4/2018 10:43:14 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: revised draft EPA- Ex. 7(A)

Thanks James. Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 5:11 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: revised draft EPA- Ex. 7(A)
Importance: High

Denise,

Ex. 5 AC/DP

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA- Ex. 7(A)
Importance: High

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Mr. Cho,

Ex. 7(A)

Thank you.

Eli D. Eilbott

DWG&P
DUNCAN WEINBERG GENZER PEMBROKE

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

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Thanks for the email. We'll check on our end and get back to you.

James R. Cho

Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

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Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of
>
> Ex. 7(A)
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com
> www.dwgp.com
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 11/30/2018 10:29:04 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: meeting - Ex. 7(A)

I was forwarding this too quick and inadvertently left your email off so I'm forwarding it to you now. See below for update. Thanks, Denise

-----Original Message-----
From: Leong, Denise
Sent: Friday, November 30, 2018 9:06 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Kan, Richard <kan.richard@epa.gov>
Subject: FW: meeting - Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 7(A) Thanks, Denise

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 29, 2018 8:22 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: meeting

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 29, 2018 at 6:50:22 PM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: meeting

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Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>> wrote:
Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of Ex. 7(A)

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security.
Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 11/30/2018 9:26:58 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: meeting

Thanks James

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A) - Denise

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 29, 2018 8:22 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: meeting

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 29, 2018 at 6:50:22 PM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: meeting

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Mr. Cho,

Ex. 7(A)

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>> wrote:
Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of

Ex. 7(A)

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Ex. 7(A) so I can inform our security.
Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/24/2019 6:44:52 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: RE: Ex. 7(A) CD & SEP(s)
Attachments: ENV_ENFORCEMENT #2805313-v1 Ex. 7(A) J_19_4_19_+MG + MSEDNY rev 4_22_19_epa 4-23-19.docx

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Wednesday, April 24, 2019 10:51 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Silverman, Matthew (USANYE)
Sent: Wednesday, April 24, 2019 10:47 AM
To: 'Leong, Denise' <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

Thanks,
Matt

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, April 23, 2019 5:45 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, April 22, 2019 5:47 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

Let's discuss tomorrow when you are available. I am around most of the day.

Thanks,

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Monday, April 22, 2019 4:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 10:33 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Ex. 5 AC / Ex. 7(A)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch

290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Ex. 7(A) CD draft compliance req

Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Hi Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 6/24/2019 9:09:29 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Ex. 7(A) SEP

Works for me too thanks! - denise

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, June 24, 2019 4:59 PM
To: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) SEP

11 a.m. on Thursday works for me.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Sent: Monday, June 24, 2019 4:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) SEP

How is 11am for all?

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:57 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) SEP

Thursday works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:46 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) SEP

Wednesday is a bit tight, though I could do a call at 11am or noon.

Thursday I am free.

Matt

From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, June 24, 2019 4:44 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) SEP

I'm available any time on Wednesday and on Thursday, except from 3:30-5 p.m.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:40 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) SEP

Ex. 5 AC / Ex. 7(A)

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 2:30 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Ex. 7(A) SEP

Good Afternoon,

Ex. 5 AC / Ex. 7(A)

Matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/19/2019 2:07:24 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Ex. 7(A) CD & SEP(s)
Attachments: Ex. 7(A)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Ex. 7(A) CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)

718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Ex. 7(A) CD draft compliance req

Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Hi Denise,

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor

Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Ex. 7(A) CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/17/2019 2:46:07 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Villatora, Liliana
Sent: Tuesday, April 16, 2019 2:35 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Simon, Paul
Sent: Tuesday, April 16, 2019 2:28 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 11/15/2018 2:11:21 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: questions about EPA's SEP Policy

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 15, 2018 7:15 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

FYI. Looks like we have more time.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 15, 2018 at 3:34:54 AM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: Re: questions about EPA's SEP Policy

Ex. 7(A)

On Nov 14, 2018, at 5:08 PM, Cho, James (USANYE) <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>> wrote:

Mr. Eilbott,
We are still working on our response to your information request, but it is unlikely that we'll be able to provide you with a response by tonight. We'll try our best to provide our response by tomorrow. What time is the meeting with the Trustees?

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Sent: Tuesday, November 13, 2018 11:34 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: questions about EPA's SEP Policy

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Ex. 7(A)

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

Ex. 7(A)

Ex. 7(A)

Eli

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/2/2019 9:22:40 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: Ex. 7(A) implementing a SEP
Attachments: SEP Completion Report (Blacked).docx

Ex. 5 AC / Ex. 7(A)

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, March 29, 2019 4:39 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A) implementing a SEP

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Thursday, December 20, 2018 5:44 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) - implementing a SEP

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007

Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, December 20, 2018 3:21 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Ex. 7(A) - implementing a SEP

Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Thursday, December 20, 2018 3:14 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) - implementing a SEP

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, December 20, 2018 12:31 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Ex. 7(A) - implementing a SEP

Hi Denise,
See email below. Ex. 5 AC / Ex. 7(A)

James R. Cho

Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, December 20, 2018 10:50 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Re: Ex. 7(A) - implementing a SEP

Good morning. Has EPA provided any feedback on this yet?

On Dec 4, 2018, at 6:25 PM, Cho, James (USANYE) <James.Cho@usdoj.gov> wrote:

> **PRIVILEGED AND CONFIDENTIAL**
> **FOR SETTLEMENT PURPOSES ONLY**
> **NOT ADMISSIBLE PURSUANT TO F.R.E. 408**
>
> I'll forward your inquiry to the EPA and get back to you.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
> ---
>
> **From:** Eli Eilbott <EDE@dwgp.com>
> **Sent:** Tuesday, December 4, 2018 6:23 PM
> **To:** Cho, James (USANYE) <JCho@usa.doj.gov>
> **Subject:** Ex. 7(A) - implementing a SEP
>
> **PRIVILEGED AND CONFIDENTIAL**
> **FOR SETTLEMENT PURPOSES ONLY**
> **NOT ADMISSIBLE PURSUANT TO F.R.E. 408**
>
> Mr. Cho,
>
> This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Ex. 7(A)

Ex. 7(A)

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Ex. 7(A) - confidential

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/31/2019 1:45:04 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

Please see below for more context.

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

Begin forwarded message:

From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Date: May 23, 2019 at 11:46:39 AM EDT
To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/14/2018 8:53:41 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

Yeah, I'll probably have to stay late. It's fine.

From: Modigliani, Justine
Sent: Monday, May 14, 2018 4:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Oh I see it got scheduled for 3 now. Not a ton of time for you but I guess we make it work?

On May 14, 2018, at 2:41 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> I can do the call tomorrow from 1:30-3:30pm b/c he wants to go over the CD. Katherine – I know you have something from 2-3. Are you ok with jumping on when are available and having Justine cover those

Ex. 5 AC/DP

> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Monday, May 14, 2018 2:37 PM
> **To:** John.Vagelatos@usdoj.gov
> **Cc:** Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** RE Ex. 7(A)
>
> Ex. 6 - Personal Privacy (PP) Can we either do today or from 1:30 to 3:30 tomorrow.
>
> Thanks,
>
> *Stuart P. Besen*
> *Partner*
>
> **MMP&S**
> Milber Makris Plousadis & Seiden, LLP
> 1000 Woodbury Road, Suite 402
> Woodbury, New York 11797
> 516.712.4000 ext. 1176
> 516.712.4013 fax
> sbesen@milbermakris.com
>
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---

> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Monday, May 14, 2018 2:13 PM
> **To:** Stuart Besen <sbesen@milbermakris.com>
> **Cc:** Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine

(Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Stuart,
I just left you a voicemail as your line was busy, but to reiterate:

Ex. 7(A)

Best,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, May 14, 2018 12:21 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thank you,

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

Ex. 7(A)

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 7:55:27 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Consent Judgment and Appendix B

Totally!

From: Modigliani, Justine
Sent: Friday, May 24, 2019 3:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 Deliberative Process (DP)

From: Murphy, Kara
Sent: Friday, May 24, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:19 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 3:15 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 Attorney Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 2:59 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 Attorney Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 2:23 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

Please see below – Thanks!

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

I am looking to address the Board at our September 18, 2018 meeting.

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

Ex. 7(A)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/29/2018 3:21:58 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

thanks

From: Modigliani, Justine
Sent: Wednesday, November 28, 2018 3:36 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

As discussed, I have nothing to add. Thanks!

From: Murphy, Kara
Sent: Tuesday, November 27, 2018 1:17 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Katherine.
Justine – anything else to add?
Thanks

From: Mann, Katherine
Sent: Tuesday, November 27, 2018 11:03 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Here's the attachment.

From: Mann, Katherine
Sent: Tuesday, November 27, 2018 10:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you!

Katherine

From: Murphy, Kara
Sent: Tuesday, November 27, 2018 7:16 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, November 21, 2018 5:13 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Ex. 7(A)

Kara,

Ex. 5 - Attorney-Client (AC)

Have a happy Thanksgiving and let's talk next week.

Best,

John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 6:21:27 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thanks! That's why Caroline Makepeace was on. Now it makes sense.

-----Original Message-----
From: Modigliani, Justine
Sent: Friday, May 24, 2019 1:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 7(A)

You may have figured this out but Karen is at ENRD and she appears to be the SEP guru.

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 1:08 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: N Ex. 7(A)

Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a happy and safe Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

-----Original Message-----
From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 7:30 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:26 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>

Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! This is great news!

Yes, John has the most recent documents.

We can set up a meeting for next week to discuss this further. Let me check with the team and get back to you.

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Thank you for the warm welcome. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Ex. 7(A)

Hello. You can call me at Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/24/2019 6:12:43 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: Re: Ex. 7(A) y
Ex. 7(A)

Thanks Justine. Same goes.

> On May 24, 2019, at 1:45 PM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:
>
> Hi Deborah,
>
> I just got off the phone with Kara to discuss your email. She is drafting a response to you right now, but I just wanted to personally welcome you to this case and tell you that I'm also excited to be working with you again.
>
> Have a fantastic long weekend and we will talk to you next week.
>
> Justine
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, May 24, 2019 1:08 PM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: RE: Ex. 7(A)
Ex. 7(A)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Have a happy and safe Memorial Day weekend.
>
> Deborah
>
>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>
>
>
> -----Original Message-----
> From: Murphy, Kara <Murphy.Kara@epa.gov>
> Sent: Friday, May 24, 2019 7:30 AM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
> Subject: RE: Ex. 7(A)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, May 24, 2019 7:26 AM
> To: Murphy, Kara <Murphy.Kara@epa.gov>

> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: Re: Ex. 7(A)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi Deborah! This is great news!
>
> Yes, John has the most recent documents.
>
> We can set up a meeting for next week to discuss this further. Let me check with the team and get back to you.
>
> Thanks
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
> <image001.png>
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Thursday, May 23, 2019 1:41 PM
> To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> Thank you for the warm welcome. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks.
>
> Deborah
>
> From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Sent: Thursday, May 23, 2019 1:35 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Ex. 7(A)
>
> A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks Doug
>
>
>
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Thursday, May 23, 2019 1:12 PM
> To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Subject: Ex. 7(A)

>
> Hello. You can call me Ex. 6 - Personal Privacy (PP)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 6/25/2019 12:40:34 PM
To: Bahk, Benjamin [Bahk.Benjamin@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Bruce, Susan [Bruce.Susan@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

Thanks everyone.

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Tuesday, June 25, 2019 8:25 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Makepeace, Caroline
Sent: Tuesday, June 25, 2019 8:06 AM
To: karen.dworkin@usdoj.gov
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 25, 2019, at 7:44 AM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Monday, June 24, 2019 8:32 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, June 21, 2019 2:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, June 21, 2019 12:50 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 AC/AWP/DP, Ex. 7(a)

Sent from my iPhone

On Jun 21, 2019, at 12:04 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 AC/AWP/DP, Ex. 7(a)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/6/2019 1:10:12 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Thursday, June 06, 2019 9:07 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a good weekend.

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara

<Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy,

Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> **Date:** May 23, 2019 at 11:46:39 AM EDT
> **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
> **Cc:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> **Subject: Re** Ex. 7(A)
>
> Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM,
Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 8/8/2019 9:41:54 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]
Subject: Re: Ex. 7(A) Timetable/Process

What will they throw at this case next?

Sent from my iPhone

On Aug 8, 2019, at 2:53 PM, McKenna, Douglas <McKenna.Douglas@epa.gov> wrote:

Get a load of this

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 08, 2019 2:45 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A) Timetable/Process

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 08, 2019 1:58 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A) Timetable/Process

All,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 1/11/2018 7:50:04 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, January 11, 2018 12:58 PM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, January 11, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Ex. 7(A)

Hi Kara,
Happy New Year! I hope you, your family and everyone at EPA have a happy and healthy 2018 as well!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

advance the process.
Thanks,
John

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, January 11, 2018 10:53 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John –

Happy New Year! Wishing you and your family a great 2018!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I will be in the office tomorrow, Friday, and reachable by email next week.
I will be back in the office on January 3rd.

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 5/29/2019 1:15:27 AM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Ex. 7(A)

Ha :)

Sent from my iPhone

On May 28, 2019, at 2:53 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

The most important change. I will remember it now! Thank you. I will get it out now.

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Tuesday, May 28, 2019 2:33 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: Re: Ex. 7(A)

Hi Deborah,

Katherine and I looked it over and made a couple of changes (see bold) and changed Caroline's name in the subject from Catherine.

We are getting back on the road now. Let us know if you have any more questions. Thanks!!

Justine

Sent from my iPhone

On May 28, 2019, at 1:35 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 6/6/2017 4:22:11 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, June 05, 2017 6:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 6/7/2017 8:42:20 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; 'Kraft, Nicole' [kraft.nicole@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Cavalier, Beth
Sent: Wednesday, June 07, 2017 3:16 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Justine, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks,

Beth

Beth Cavalier
National SEP Policy Coordinator
Crosscutting Policy Staff
Office of Civil Enforcement
202-564-3271
Cavalier.Beth@epa.gov

From: Modigliani, Justine
Sent: Tuesday, June 06, 2017 5:23 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Beth,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine

Justine Modigliani, P.E., Chief
Compliance Section
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US Environmental Protection Agency Region 2
290 Broadway (20th Floor)
New York, New York 10007
(212) 637-4268

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 5/31/2019 2:37:13 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Subject: RE: Ex. 7(A)

I'm free.

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 10:21 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Ex. 7(A)

Sure. I can call you in 5 minutes if that works.

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Friday, May 31, 2019 10:03 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: RE: Ex. 7(A)

Hi Deborah,

So sorry that we got cut off when you called me earlier this week. I think we were on the same page before we got cut off, but do you have a few minutes today to close out that conversation properly?

Justine

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>

Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Ex. 7(A)

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Attached are the most

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT
> > **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>,

"Beckmann, Diane (USANYE)"
<DBeckmann@usa.doj.gov>,
"Silverman, Matthew (USANYE)"
<MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline"
<Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 7(A)

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM,
Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 6/6/2017 7:11:10 PM
To: 'Kraft, Nicole' [kraft.nicole@epa.gov]
Subject: Ex. 5 AC/DP
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF

From: Murphy, Kara
Sent: Tuesday, February 07, 2017 11:59 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

FYI – Maybe we can meet either later this week or early next week to go over the recent submissions. Let me know what works best for you so you have time to review. Thanks!

From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Resen <shesen@milbermakris.com>
Subject: Ex. 7(A)

Ex. 7(A)

Elizabeth Maiello
Legal Assistant

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 9/19/2019 10:38:34 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

On Sep 19, 2019, at 1:40 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, September 19, 2019 11:33 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A)

Thanks.

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, September 19, 2019 11:30 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Thursday, September 19, 2019 11:06 AM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, September 19, 2019 11:01 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green,

Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/29/2019 6:51:21 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(a), Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, July 29, 2019 2:34 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(a), Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC) Thanks.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Monday, July 29, 2019 2:32 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(a), Ex. 5 AC/DP

Great, thanks Deborah. I'm back. Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, July 29, 2019 2:11 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Ex. 7(a), Ex. 5 AC/DP

Thanks. Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, July 29, 2019 2:02 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Ex. 7(a), Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, July 29, 2019 1:39 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 7(a), Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 11/13/2018 7:32:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Will do.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, November 13, 2018 2:00 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; T Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 7(A)

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 7(A)

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer Ex. 7(A)
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Ex. 7(A)

Ex. 7(A)

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Stuart Besen [sbesen@milbermakris.com]
Sent: 11/1/2018 6:35:40 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: Re: Ex. 7(A)

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

> On Nov 1, 2018, at 2:24 PM, Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov> wrote:
>
> We'll call you then. Which number should we reach you at?
>
> Sent from my iPhone
>
> On Nov 1, 2018, at 1:43 PM, Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>> wrote:
>
> Yes good with 4:15
>
> Sent from my iPhone
>
> On Nov 1, 2018, at 12:12 PM, Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov<mailto:John.Vagelatos@usdoj.gov>> wrote:
>
> Stuart,
>

Ex. 7(A)

>
> Hopefully you're free at 4:15 today and we can discuss then.
>
> Best,
> John
>
> <3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX>

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 11/1/2018 4:12:34 PM
To: Stuart P. Besen [sbesen@milbermakris.com]
CC: Murphy, Kara J [Murphy.Kara@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: Ex. 7(A)
Attachments: 3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX; ATT00001.htm

Stuart,

Ex. 7(A)

Best,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 6:46:58 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

There's a chance I can talk tomorrow after 4pm. I'm still waiting on a response from the state about another meeting. If it doesn't happen tomorrow, I can be on a call with Stuart around 4:00ish. Hopefully, I'll know by the end of the day. Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 12:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

From: Silverman, Matthew (USANYE)
Sent: Wednesday, October 31, 2018 12:22 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

John,

Ex. 5 AC/AWP/DP

From: Vagelatos, John (USANYE)
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: FW Ex. 7(A)

Kara,
Please see attached Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM

To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Stuart P. Besen
Partner

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 3:53:12 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Hi John – n

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Ex. 7(A)

Kara,
Please see attached a Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 3:44:22 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Hi John – I'm available tomorrow. Thanks. Anytime from 9am-12:45pm. Otherwise, I'm available on Friday from 9am-3pm. The attachments didn't go through. Please send again. Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:30 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

Kara,
Please see attached. I told Stuart I can't do a call today, but I could talk tomorrow.
What is your availability tomorrow if you would like to participate?
Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:13 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/23/2018 2:22:56 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Monday, October 22, 2018 7:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

Kara,

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, October 22, 2018 7:01 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Thank you,
John

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 9/26/2018 10:26:04 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 7(A)

Are you free now? If so, what number should I reach you at?

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, September 26, 2018 6:25 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

I'm working tomorrow and am available most of the day except 1:10-1:50pm and I leave around 3:50pm. Please let me know if you have time to talk tomorrow Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, September 26, 2018 11:28 AM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John – Thanks for the update. I just left you a message. Let me know when you are available. Thanks!

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 6/18/2018 6:08:32 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Kara – Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Monday, June 18, 2018 1:38 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC) Thanks

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2018 5:06:20 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

From: Modigliani, Justine
Sent: Friday, June 08, 2018 12:53 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Sent from my iPhone

On Jun 8, 2018, at 12:50 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC) Have a great weekend you two.

From: Modigliani, Justine
Sent: Friday, June 08, 2018 12:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Fwd: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Justine

Begin forwarded message:

From: "Murphy, Kara" <Murphy.Kara@epa.gov>
Date: June 8, 2018 at 12:10:12 PM EDT
To: "John.Vagelatos@usdoj.gov" <John.Vagelatos@usdoj.gov>
Cc: "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "Mann, Katherine" <Mann.Katherine@epa.gov>, "Murphy, Kara" <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John - **Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)** Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 31, 2018 3:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>

Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Ex. 7(A)

Thanks
I am traveling back to NY from SC tomorrow.
I will try to call you, connections permitting.

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/27/2018 7:55:54 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thank you

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, April 27, 2018 3:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Murphy, Kara
Sent: Friday, April 27, 2018 3:51 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Hi John –

For your information:

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/25/2018 5:30:37 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Makepeace, Caroline
Sent: Wednesday, April 25, 2018 1:25 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 25, 2018, at 1:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Caroline –

Ex. 5 Deliberative Process (DP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 4/25/2018 5:25:01 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: SEP Policy Question - SEP COMPLETION REPORT

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 25, 2018, at 1:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Caroline –

Ex. 5 Deliberative Process (DP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/25/2018 5:23:27 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 Deliberative Process (DP)

Hi Caroline –

Ex. 5 Deliberative Process (DP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 4/4/2018 5:22:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sure

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 1:16 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:13 AM

To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 10:01 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

I hope you are well and getting better weather than we are in NYC.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let me know if you have some time today to discuss. If not, please let me know what your availability is next week.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/2/2018 10:31:13 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: John.Vagelatos@usdoj.gov; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Me too.

From: Modigliani, Justine
Sent: Monday, April 02, 2018 5:14 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Re: Ex. 7(A)

3 pm is fine for me as well.

On Apr 2, 2018, at 4:49 PM, Mann, Katherine <Mann.Katherine@epa.gov> wrote:

> Hi John,
> 3 PM tomorrow works for me.
> Katherine
>
> ---
>
> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Monday, April 2, 2018 4:36 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
> **Cc:** Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** RE: Ex. 7(A)
>
> Good afternoon all,
> I am available and would like to have the call with Stuart.
> Does that time work for you?
>
> ---
>
> **From:** Stuart Besen <sbesen@milbermakris.com>
> **Sent:** Monday, April 2, 2018 4:10 PM
> **To:** Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
> **Cc:** Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
> **Subject:** RE: Ex. 7(A)
>
> Are you available tomorrow at 3:00 pm?
>
> *Stuart P. Besen*
> *Of Counsel*
> .....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 3:01 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

I am available to speak this Monday or Tuesday, April 2nd or 3rd, at your convenience.
I am away the following Monday and Tuesday, the 9th and 10th.
Please let me know what works for you Stuart. I am happy to answer any questions you may have.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, March 29, 2018 2:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Good morning Stuart,

Ex. 7(A)

Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Ex. 7(A)

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Ex. 7(A)

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/29/2018 4:38:08 PM
To: John.Vagelatos@usdoj.gov
Subject: RE: Ex. 7(A)

You're welcome. I hope so too! Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 11:50 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Kara – this is a very helpful update.
Hopefully we'll hear from Stuart on all of these open points soon.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, March 29, 2018 11:43 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: sbesen@milbermakris.com
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Good morning Stuart,

Ex. 7(A)

Thank you,
John

From: Vagelatos, John (USANYE)

Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Ex. 7(A)

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,

Ex. 7(A)

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/23/2018 10:21:28 PM
To: John.Vagelatos@usdoj.gov
Subject: RE: Ex. 7(A)

Great, thanks. You too!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 23, 2018 5:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

You can call us at Sandra's number:
Tel: 718-254-6014
Have a great weekend!

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 23, 2018 4:11 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Which number should we call you at? Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 23, 2018 1:13 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Ex. 7(A)

Thanks Kara. We are free Tuesday afternoon. Please go ahead and pick any time in the afternoon that works best for you and Doug.

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 23, 2018 12:58 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 22, 2018 4:39 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Hi Kara,
I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/23/2018 10:59:58 AM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Ex. 7(A)

Ok, thanks Phyllis. Doug can't talk until Tuesday. I'll keep you posted.

From: Feinmark, Phyllis
Sent: Thursday, March 22, 2018 11:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 7(A)

I flex on Friday, but am generally available on Monday.

Sent from my iPhone

On Mar 22, 2018, at 5:51 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> FYI – Let me know when you are available for a call with John and Sandra. Tomorrow? Monday? Thanks
>
> ---
>
> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Thursday, March 22, 2018 4:39 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Cc:** Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** Ex. 7(A)
>
> Hi Kara,
> I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> Thank you,
> John
>
> John Vagelatos
> Assistant United States Attorney
>
> United States Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East
> Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/7/2019 9:00:32 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC), Ex. 7(a)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, February 06, 2019 6:11 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC), Ex. 7(a)

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Please let me know what you think.

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/28/2017 12:53:16 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, July 27, 2017 6:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,

John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/17/2019 3:13:42 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Fwd: Northport

Katherine and I are in the middle of hosting a training workshop for New York City Inspectors and I just peaked at my phone and saw this.

Sent from my iPhone

Begin forwarded message:

> **From:** "Bahk, Benjamin" <Bahk.Benjamin@epa.gov>
> **Date:** June 17, 2019 at 8:16:20 AM EDT
> **To:** "Modigliani, Justine" <Modigliani.Justine@epa.gov>
> **Cc:** "Bruce, Susan" <Bruce.Susan@epa.gov>, "Fergusson, Bruce" <Fergusson.Bruce@epa.gov>
> **Subject: Northport**
>
> Hello Justine,
>
> **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you.
>
> ***Village of Northport, Long Island*** **(R2 – CWA, MS4 violations)**
>
> - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
> -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/6/2018 9:34:26 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, February 06, 2018 4:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 5/24/2019 5:54:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

Ex. 7(A)

Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 1:08 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a happy and safe Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

-----Original Message-----
From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 7:30 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:26 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Ex. 7(A)

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Ex. 7(A)

Hello. You can call me at Ex. 6 Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) ns

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 1/17/2018 9:23:15 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) and you're more than welcome!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 17, 2018 3:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Will keep you posted on things.

Thanks again!

From: Makepeace, Caroline
Sent: Wednesday, January 17, 2018 2:59 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency

202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 17, 2018 2:38 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP CD Language Help

Caroline!

Thank you for doing this. Really appreciate your help. I know it was last minute and you are busy. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Makepeace, Caroline
Sent: Wednesday, January 17, 2018 12:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP CD Language Help

Hey Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace

Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Friday, January 12, 2018 12:51 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEP CD Language Help

Great, thank you!

From: Makepeace, Caroline
Sent: Friday, January 12, 2018 10:40 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)

(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 1/12/2018 3:39:39 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Attachments: 2015 Updated SEP Policy (3).pdf

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/27/2019 4:03:19 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Khoury, Lynn [Khoury.Lynn@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Murphy, Kara
Sent: Thursday, June 27, 2019 12:01 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 4:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, June 26, 2019 3:52 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Deborah.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Be in touch soon.

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 1:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/26/2019 7:46:21 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 7(A)

From: Bahk, Benjamin
Sent: Tuesday, June 25, 2019 8:25 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; karen.dworkin@usdoj.gov
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Makepeace, Caroline
Sent: Tuesday, June 25, 2019 8:06 AM
To: karen.dworkin@usdoj.gov
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 25, 2019, at 7:44 AM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Monday, June 24, 2019 8:32 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

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http://www.epa.gov/compliance/complaints/index.html

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, June 21, 2019 2:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, June 21, 2019 12:50 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 21, 2019, at 12:04 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/10/2018 6:51:52 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: SEP CD Language Help
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.pdf

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP CD Language Help

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: SEP CD Language Help

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 1/10/2018 6:38:26 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thx!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/10/2018 6:18:00 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/9/2018 6:40:42 PM
To: Cavalier, Beth [Cavalier.Beth@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Hi Beth –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/9/2017 6:21:26 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Cavalier, Beth
Sent: Wednesday, June 07, 2017 3:16 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Justine, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I hope this helps! If you'd like to discuss, just let me know. Thanks,

Beth

Beth Cavalier
National SEP Policy Coordinator
Crosscutting Policy Staff
Office of Civil Enforcement
202-564-3271
Cavalier.Beth@epa.gov

From: Modigliani, Justine
Sent: Tuesday, June 06, 2017 5:23 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Beth,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Justine

Justine Modigliani, P.E., Chief
Compliance Section
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US Environmental Protection Agency Region 2
290 Broadway (20th Floor)
New York, New York 10007
(212) 637-4268

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/4/2017 6:51:39 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport CD
Attachments: Ex. 7(a), Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Just started again. I have a ways to go….

From: Modigliani, Justine
Sent: Tuesday, April 04, 2017 1:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Tuesday, April 04, 2017 10:06 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 7(A)

I'm so sorry ☹

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Friday, March 31, 2017 1:34 PM
To: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine & Katherine – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 31, 2017 10:51 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 7(A)

Kara,
I've been away for a week on leave. Just back this morning.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,

John

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 31, 2017 10:17 AM
To: Vagelatos, John (USANYE)
Cc: Murphy, Kara
Subject: Ex. 7(A)

Hi John - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/19/2019 1:05:11 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 Personal Privacy (PP)

I'll call you when I'm back.

Best,
John

Sent from my iPhone

> On Apr 18, 2019, at 3:22 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Talk to you when you return. Enjoy!
>
>
>
> -----Original Message-----
> From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
> Sent: Thursday, April 18, 2019 10:16 AM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Best,
> John
>
>
> Sent from my iPhone
>
> On Apr 18, 2019, at 10:12 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
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>
> <image001.png>
>

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 6/28/2019 6:17:28 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Good Job!

Oh great! Have an amazing trip! And thanks ☺

From: Murphy, Kara
Sent: Friday, June 28, 2019 2:16 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Good Job!

Thanks! Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP) ☺ Enjoy the 4th too!

From: Buterbaugh, Kristin
Sent: Friday, June 28, 2019 2:05 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Good Job!

You too! Enjoy the 4th!

From: Murphy, Kara
Sent: Friday, June 28, 2019 2:03 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Good Job!

Oh wow! Well it sounds like a great opportunity, so smart move to extend it. Hoping for positive updates too. Have a great weekend!

From: Buterbaugh, Kristin
Sent: Friday, June 28, 2019 1:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Good Job!

Oh yes, I would imagine that muni case would keep you pretty busy right now!

The detail is going well! It's been really interesting to see more than just water cases and issues. And I sit in on a lot of meetings like the OCE Weekly yesterday so I'm learning a lot.

But I miss you and the rest of the case team too! I'm actually extending the detail to a full year through March 2020, but I'm hoping to hear nothing but positive updates until I'm back! ☺

Kristin Buterbaugh
Special Assistant
OECA - Office of Civil Enforcement
U.S. Environmental Protection Agency

WJC South 3119C
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4479
Buterbaugh.Kristin@epa.gov

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From: Murphy, Kara
Sent: Friday, June 28, 2019 12:53 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Good Job!

Kristin! Thank you! It's so nice to hear from you and thanks so much for the support. It was my first OECA call on a case and was not sure how it would go. In any case, between this case and another case (municipality SEP case – Village of Northport), it's been a little hectic. ☺

How is the new detail?! I hope you're enjoying it, learning a lot, and appreciated and supported. We miss you.

From: Buterbaugh, Kristin
Sent: Thursday, June 27, 2019 1:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Good Job!

Hi Kara,

I'm in the room for the OCE Weekly meetings, and I just wanted to say good job today! I get updates from Kathy every so often and I now review all briefing papers that are sent up the chain so I saw this one too. Hopefully the case will settle soon.

I hope things are well with you!

Kristin Buterbaugh
Special Assistant
OECA - Office of Civil Enforcement
U.S. Environmental Protection Agency
WJC South 3119C
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4479
Buterbaugh.Kristin@epa.gov

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Message

From: Ritz, Phillip [Ritz.Phillip@epa.gov]
Sent: 9/12/2019 6:00:44 PM
To: Patel, Harish [Patel.Harish@epa.gov]
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

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From: Patel, Harish <Patel.Harish@epa.gov>
Sent: Thursday, September 12, 2019 2:00 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 AC/DP
Importance: High

Ex. 5 AC/DP

From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Thursday, September 12, 2019 12:57 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 AC/DP
Importance: High

Ex. 5 AC/DP

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 12:41 PM

To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 AC/DP

Hi Ladies,

Ex. 5 AC/DP

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/8/2018 3:20:55 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC/AWP

-----Original Message-----
From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, July 31, 2018 9:21 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Hi Damaris-

Ex. 5 DP/AC/AWP

On Jul 31, 2018, at 8:49 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov<mailto:Urdaz.Damaris@epa.gov>> wrote:

Ex. 5 DP/AC/AWP

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 11/14/2018 3:48:33 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: FW: PRIVILEGED AND CONFIDENTIAL
Attachments: Ex. 7(A)

Ex. 5 AC/AWP

Thank you.

From: Robbins, Virginia <robbinv@bsk.com>
Sent: Wednesday, November 14, 2018 10:46 AM
To: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Ex. 7(A) Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <tysonr@BSK.com>; Ex. 7(A)
Subject: PRIVILEGED AND CONFIDENTIAL

Dear Diane and Damaris,

Ex. 7(A) or

If you could provide me with a couple of dates and times for a call, I will check schedules with the Town.
Thank you, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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One Lincoln Center, Syracuse, NY 13202-1355
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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 2/17/2017 7:42:43 PM
To: Simpson, James [Simpson.James@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A) J.Draft 1.13.17.docx
Attachments: J.Draft 1.13.17.docx

Ex. 5 AC/DP, Ex. 7(a)

Message

From: Simpson, James [Simpson.James@epa.gov]
Sent: 2/17/2017 4:20:06 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: RE: Ex. 7(A) Call
Attachments: Ex. 7(A) CJ.Draft 1.13.17.docx

I think this is it.

From: Ritz, Phillip
Sent: Friday, February 17, 2017 10:37 AM
To: Simpson, James <Simpson.James@epa.gov>
Subject: RE: Ex. 7(A) Call

Hi Jay, can you resent the latest Ex. 7(A) don't have a recent copy to work on

---

From: Simpson, James
Sent: Friday, February 17, 2017 9:26 AM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: RE: Ex. 7(A) Call

No call-in, but we'll patch you in from Robert's office. Should we call your office line?

From: Ritz, Phillip
Sent: Wednesday, February 15, 2017 5:08 PM
To: Simpson, James <Simpson.James@epa.gov>
Subject: RE: Ex. 7(A) Call

Is there a call in number for the DOJ call on Ex. 7(A) I can dial in from home.

-----Original Appointment-----
From: Simpson, James
Sent: Wednesday, February 15, 2017 11:10 AM
To: Simpson, James; Beckmann, Diane (USANYE); Buettner, Robert; LaVigna, Gaetano; Ritz, Phillip
Subject: Ex. 7(A) Call
When: Friday, February 17, 2017 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Robert's office

Ex. 5 AC/AWP/DP, Ex. 7(a)

Diane – we will call you.

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 4/5/2019 3:14:03 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Friday, April 5, 2019 11:09 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, April 05, 2019 11:06 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 4/5/2019 3:12:35 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Friday, April 5, 2019 11:09 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liljana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, April 05, 2019 11:06 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 4/5/2019 3:08:47 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, April 5, 2019 11:06 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 3/26/2019 9:07:29 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)
Attachments

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Urdaz, Damaris
Sent: Friday, March 22, 2019 9:38 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: LaVigna, Gaetano
Sent: Thursday, March 21, 2019 8:45 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Urdaz, Damaris
Sent: Thursday, March 21, 2019 8:39 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, March 21, 2019 8:38 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Wednesday, March 20, 2019 1:47 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Monday, March 18, 2019 3:18 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Hi Damaris-

Ex. 5 AC/AWP

Thanks,
Diane

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Monday, March 18, 2019 12:40 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

m

Message

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 2/17/2017 4:29:35 PM
To: Simpson, James [Simpson.James@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Re: Ex. 7(A) Call

Ex. 5 AC/AWP/DP, Ex. 7(a)

From: Simpson, James
Sent: Friday, February 17, 2017 11:20:06 AM
To: Ritz, Phillip
Subject: RE: Ex. 7(A) Call

I think this is it.

From: Ritz, Phillip
Sent: Friday, February 17, 2017 10:37 AM
To: Simpson, James <Simpson.James@epa.gov>
Subject: RE: Ex. 7(A) Call

Hi Jay, can you resent the latest Ex. 7(A) I don't have a recent copy to work on

---

From: Simpson, James
Sent: Friday, February 17, 2017 9:26 AM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: RE: Ex. 7(A) Call

No call-in, but we'll patch you in from Robert's office. Should we call your office line?

From: Ritz, Phillip
Sent: Wednesday, February 15, 2017 5:08 PM
To: Simpson, James <Simpson.James@epa.gov>
Subject: RE: Ex. 7(A) Call

Is there a call in number for the DOJ call on Ex. 7(A) I can dial in from home.

-----Original Appointment-----
From: Simpson, James
Sent: Wednesday, February 15, 2017 11:10 AM

To: Simpson, James; Beckmann, Diane (USANYE); Buettner, Robert; LaVigna, Gaetano; Ritz, Phillip
Subject: Ex. 7(A)
When: Friday, February 17, 2017 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Robert's office

Ex. 5 AC/AWP/DP, Ex. 7(a)

Diane – we will call you.

Message

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 4/5/2019 3:28:16 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 5 AC/DP
Attachments:

Ex. 5 AC/DP

From: Cardile, Joseph
Sent: Monday, July 16, 2018 1:40 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

From: Cardile, Joseph
Sent: Thursday, February 01, 2018 6:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

Thx
Joe

Joseph Cardile, Environmental Engineer
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA, Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4054
Email: Cardile.Joseph@epa.gov

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From: Ritz, Phillip
Sent: Thursday, February 01, 2018 6:14 PM

To: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 AC/DP

From: Simpson, James
Sent: Thursday, April 13, 2017 3:35 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

Regards,
Jay

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL - Town of Brookhaven and Wehran Energy Corp. - SEP

Dear Jay,
On behalf of the Town of Brookhaven and Wehran Energy, please find attached for USEPA's review and comment our letter dated today detailing the estimated costs and task schedule for the proposed Supplemental Environmental Project involving the installation of a solar energy conversion system by the Town.
I am available to discuss this letter at your convenience.
Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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Message

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 7/10/2019 5:18:31 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: Urdaz, Damaris
Sent: Wednesday, July 10, 2019 1:16 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Wednesday, July 10, 2019 12:44 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Hi Damaris-

Ex. 5 AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Wednesday, July 18, 2018 7:53 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Ex. 5 AC

Message

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 11/21/2017 7:12:16 PM
To: Denise Leong [Leong.Denise@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
Subject: FW: sep fo Ex. 7(A)

From: Ritz, Phillip
Sent: Wednesday, May 31, 2017 3:18 PM
To: Simpson, James <Simpson.James@epa.gov>
Subject: sep for Ex. 7(A)

Ex. 5 AC/AWP/DP, Ex. 7(a)

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Message

From: Sawyer, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5076E90C67942D3AFFC3E38A9885AF3-SAWYER, WILLIAM]
Sent: 11/26/2018 4:03:27 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 Deliberative Process (DP), atty Client & Attorney Work Product

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 Deliberative Process (DP), atty Client & Attorney Work Product

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 Deliberative Process (DP), atty Client & Attorney Work Product

Ex. 5 Deliberative Process (DP), atty Client & Attorney Work Product

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 Deliberative Process (DP), atty Client & Attorney Work Product

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 Deliberative Process (DP), atty Client & Attorney Work Product

Thanks.

Message

From: Simpson, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C40ADE820FA4987B4996D17B2C8A599-SIMPSON, JAMES]
Sent: 6/27/2017 6:58:57 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 7(A) alking Points
Attachments: TPs_FAQs_6272017.docx

Importance: High

Please review and let me know your thoughts. This is for Catherine McCabe's meeting with DEC.

Message

From: Simpson, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C40ADE820FA4987B4996D17B2C8A599-SIMPSON, JAMES]
Sent: 5/25/2017 2:19:57 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 5 AC/AWP

Liliana and Robert,

Ex. 5 AC/AWP

Regards,
Jay

From: Klepp, Robert
Sent: Wednesday, May 24, 2017 6:53 PM
To: Simpson, James <Simpson.James@epa.gov>
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-5805

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From: Cavalier, Beth
Sent: Wednesday, May 24, 2017 12:08 PM
To: Klepp, Robert <Klepp.Robert@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Ex. 5 AC/AWP

Hi Bob!

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Beth

From: Klepp, Robert
Sent: Wednesday, May 24, 2017 11:59 AM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: Ex. 5 AC/AWP
Importance: High

Hi Beth,

Ex. 5 AC/AWP

Thanks,
Bob

From: Klepp, Robert
Sent: Wednesday, May 24, 2017 10:55 AM
To: Kakade, Seema <kakade.seema@epa.gov>; Argentieri, Sabrina <argentieri.sabrina@epa.gov>; Fried, Gregory <fried.gregory@epa.gov>
Subject: Ex. 5 AC/AWP
Importance: High

Greg, Seema, Sabrina,

Ex. 5 AC/AWP

Thanks,
Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-5805

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From: Klepp, Robert
Sent: Friday, May 19, 2017 5:32 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Fried, Gregory <Fried.Gregory@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC/AWP
Importance: High

Jay,

Ex. 5 AC/AWP

Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-5805

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From: Simpson, James
Sent: Friday, May 19, 2017 11:43 AM
To: Klepp, Robert <Klepp.Robert@epa.gov>
Cc: Fried, Gregory <Fried.Gregory@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

Regards,
Jay

From: Simpson, James
Sent: Wednesday, May 17, 2017 3:33 PM
To: Klepp, Robert <Klepp.Robert@epa.gov>
Subject: Ex. 5 AC/AWP

Hi Bob:

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007

212-637-3245 (direct)
Simpson.James@epa.gov

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Message

From: Simpson, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C40ADE820FA4987B4996D17B2C8A599-SIMPSON, JAMES]
Sent: 5/25/2017 2:19:03 PM
To: Klepp, Robert [Klepp.Robert@epa.gov]
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Klepp, Robert
Sent: Wednesday, May 24, 2017 6:53 PM
To: Simpson, James <Simpson.James@epa.gov>
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP
Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-5805

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From: Cavalier, Beth
Sent: Wednesday, May 24, 2017 12:08 PM
To: Klepp, Robert <Klepp.Robert@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Ex. 5 AC/AWP

Hi Bob!

Ex. 5 AC/AWP

Beth

From: Klepp, Robert
Sent: Wednesday, May 24, 2017 11:59 AM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>

Subject: Ex. 5 AC/AWP
Importance: High

Hi Beth,

Ex. 5 AC/AWP

Thanks,
Bob

From: Klepp, Robert
Sent: Wednesday, May 24, 2017 10:55 AM
To: Kakade, Seema <kakade.seema@epa.gov>; Argentieri, Sabrina <argentieri.sabrina@epa.gov>; Fried, Gregory <fried.gregory@epa.gov>
Subject: Ex. 5 AC/AWP
Importance: High

Greg, Seema, Sabrina,

Ex. 5 AC/AWP

Thanks,
Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-5805

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From: Klepp, Robert
Sent: Friday, May 19, 2017 5:32 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Fried, Gregory <Fried.Gregory@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC/AWP
Importance: High

Jay,

Ex. 5 AC/AWP

Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW

Washington, DC 20460
(202) 564-5805

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From: Simpson, James
Sent: Friday, May 19, 2017 11:43 AM
To: Klepp, Robert <Klepp.Robert@epa.gov>
Cc: Fried, Gregory <Fried.Gregory@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC/AWP

Ex. 5 AC/AWP

Regards,
Jay

From: Simpson, James
Sent: Wednesday, May 17, 2017 3:33 PM
To: Klepp, Robert <Klepp.Robert@epa.gov>
Subject: Ex. 5 AC/AWP

Hi Bob:

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 3/20/2019 5:46:08 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Monday, March 18, 2019 3:18 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Hi Damaris-

Ex. 5 AC/AWP

Thanks,
Diane

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Monday, March 18, 2019 12:40 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

m

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 5/24/2019 5:02:01 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Friday, May 24, 2019 9:15 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Hi Matt,

I am on travel this week and don't have access, but I will try to see if someone can send you a write up, and I believe it is

Ex. 5 AC/AWP/DP, Ex. 7(a)

Liliana

Sent from my iPhone

On May 23, 2019, at 1:45 PM, Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov> wrote:

Hi Liliana,

Ex. 5 AC/AWP/DP, Ex. 7(a)

Thanks,
Matt

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 5/24/2019 2:15:11 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Re: Ex. 7(A)

Thanks!

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On May 24, 2019, at 9:15 AM, Villatora, Liliana
<Villatora.Liliana@epa.gov<mailto:Villatora.Liliana@epa.gov>> wrote:

Hi Matt,

I am on travel this week and don't have access, but I will try to see if someone can send you a write up,
Ex. 5 AC/AWP/DP, Ex. 7(a)

Liliana

Sent from my iPhone

On May 23, 2019, at 1:45 PM, Silverman, Matthew (USANYE)
<Matthew.Silverman@usdoj.gov<mailto:Matthew.Silverman@usdoj.gov>> wrote:

Ex. 5 AC/AWP/DP, Ex. 7(a)

Any further detail you can provide would be appreciated.

Thanks,
Matt

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 6/5/2018 7:01:12 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW:
Attachments: Ex. 7(A)

FYI

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, June 05, 2018 1:46 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject:

Hi Damaris—

Ex. 5 AC/AWP

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/21/2018 3:36:02 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: [External] RE: Request for Conference Call on August 22

Ex. 5 DP/AC

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, August 21, 2018 9:28 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: RE: [External] RE: Request for Conference Call on August 22

Hi Damaris-

Ex. 5 DP/AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Tuesday, August 21, 2018 8:39 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: FW: [External] RE: Request for Conference Call on August 22

Ex. 5 DP/AC

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Tuesday, August 21, 2018 8:33 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Diane.beckmann@usdoj.gov
Cc: Ex. 7(A) Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: RE: [External] RE: Request for Conference Call on August 22

Damaris and Diane,
Will 2:00 PM work tomorrow for a call? If not, we can do 2:30 PM.
Thanks,
Ginny

From: Urdaz, Damaris [mailto:Urdaz.Damaris@epa.gov]
Sent: Monday, August 20, 2018 7:47 PM
To: Robbins, Virginia; Diane.beckmann@usdoj.gov
Cc: Kevin Johnston; Michael J. Cahill; Tyson, Robert
Subject: [External] RE: Request for Conference Call on August 22

3pm or earlier works for us. If 2:30 is possible that would be better. We can't do 3:30.

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Monday, August 20, 2018 1:47 PM
To: Diane.beckmann@usdoj.gov; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Ex. 7(A); Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: Request for Conference Call on August 22

Dear Diane and Damaris,
I would like to set up a conference call with you both and Kevin Johnston on Wednesday afternoon (8/22/18) this week to follow up on the items discussed during our July 30, 2018 call.
We are available Wednesday anytime other than between 3:00 and 3:30 PM.

Ex. 7(A)

Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 3/20/2018 5:49:43 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject:
Attachments: Ex. 7(A)

FYI

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, March 20, 2018 12:48 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Simpson, James [mailto:Simpson.James@epa.gov]
Sent: Wednesday, March 9, 2016 11:48 AM
To: Robbins, Virginia <RobbinV@bsk.com>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 7(A)

Hi Ginny,

Ex. 7(A)

Obviously, we can discuss further at our meeting tomorrow.

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 11/28/2018 3:39:37 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

From: Villatora, Liliana
Sent: Tuesday, November 27, 2018 4:13 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM

To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 AC / Ex. 7(A)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 AC / Ex. 7(A)

Thanks.

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 3/20/2018 5:49:22 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject:
Attachments: Ex. 7(A)

FYI

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, March 20, 2018 12:43 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Thursday, April 13, 2017 12:39 PM
To: Simpson, James <Simpson.James@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Ex. 7(A); Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: SETTLEMENT CONFIDENTIAL Ex. 7(A)

Dear Jay,

Ex. 7(A)

Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message.

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 7/31/2018 3:31:02 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

-----Original Message-----
From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, July 31, 2018 9:21 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Hi Damaris-

Ex. 5 AC

On Jul 31, 2018, at 8:49 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov<mailto:Urdaz.Damaris@epa.gov>> wrote:

Ex. 5 AC

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 7/20/2018 6:57:13 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 7(A)

Thank you so much!!

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Friday, July 20, 2018 2:56 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A)

Hi All—

Ex. 5 AC / Ex. 7(A)

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 7/20/2018 6:57:02 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Awesome!

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Friday, July 20, 2018 2:56 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A)

Hi All—

Ex. 5 AC/DP

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/16/2018 4:56:52 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 5 AC/AWP

From: LaVigna, Gaetano
Sent: Monday, August 13, 2018 1:12 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Urdaz, Damaris
Sent: Tuesday, August 07, 2018 12:40 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW:

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, August 7, 2018 12:32 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject:

Hi Damaris-

Ex. 5 AC/AWP

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 10/1/2018 12:43:02 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A)

Hi Damaris and Liliana-

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Monday, October 1, 2018 6:59 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Diane—hope you are well.

Ex. 5 AC/AWP

Thanks!!

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 8/13/2018 5:11:36 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Urdaz, Damaris
Sent: Tuesday, August 07, 2018 12:40 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW:

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, August 7, 2018 12:32 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject:

Hi Damaris-

Ex. 5 AC/AWP

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza

Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Appointment

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 2/6/2018 9:04:35 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]

Subject: FW: Brookhaven SEP Discussion
Location: Conf Rm 2134A

Start: 2/6/2018 9:00:00 PM
End: 2/6/2018 9:30:00 PM
Show Time As: Tentative

Folks think you are joining this call and are waiting—are you calling in?

-----Original Appointment-----
From: Cardile, Joseph
Sent: Thursday, February 01, 2018 5:59 PM
To: Cardile, Joseph; Buettner, Robert; Makepeace, Caroline; Villatora, Liliana; Jonesi, Gary; LaVigna, Gaetano; Urdaz, Damaris; Ritz, Phillip
Cc: Williamson, Caroline
Subject: Brookhaven SEP Discussion
When: Tuesday, February 06, 2018 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf Rm 2134A

[redacted]

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 7/18/2018 1:46:28 AM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

-Mark

On Jul 17, 2018, at 5:41 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 DP/AC

From: Gallagher, Mark (ENRD) [mailto:Mark.Gallagher@usdoj.gov]
Sent: Tuesday, July 17, 2018 5:34 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

-Mark

On Jul 17, 2018, at 4:29 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Mark,

Ex. 5 DP/AC

Liliana

Liliana

Ex. 7(A)

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 7/18/2018 1:48:16 AM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

-Mark

On Jul 17, 2018, at 7:48 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 DP/AC

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/28/2018 2:41:27 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: The CD
Attachments: Consent Judgment Draft 8-24-18.DOCX

FYI

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, August 28, 2018 10:28 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE: The CD

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Tuesday, August 28, 2018 9:59 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: The CD

Ex. 5 AC / Ex. 7(A)

Thanks!

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 7/17/2018 8:56:07 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

-Mark

On Jul 17, 2018, at 4:29 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

<!--[if mso 9]--> <!--[endif]-->
Mark,

Ex. 5 AC

Liliana

Liliana

Ex. 7(A)

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 7/17/2018 8:51:42 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

-Mark

On Jul 17, 2018, at 4:29 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

<!--[if mso 9]--> <!--[endif]-->
Mark,

Ex. 5 DP/AC

Liliana

Liliana

Ex. 7(A)

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 5/8/2018 12:43:51 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: US DRAFT DATED July 2017/ATTORNEY WORK PRODUCT/PRIVILEGED AND CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION/COMMON INTEREST PRIVILEGED COMMUNICATION/JOINT PROSECUTION AND CONFIDENTIALITY AGREEMENT COMMUNICATION
Attachments: Ex. 7(A)

Importance: High

Ex. 5 DP/AC/AWP

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Buettner, Robert
Sent: Wednesday, January 10, 2018 10:13 AM
To: Stanton, Robert J (DEC) <robert.stanton@dec.ny.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW: US DRAFT DATED July 2017/ATTORNEY WORK PRODUCT/PRIVILEGED AND CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION/COMMON INTEREST PRIVILEGED COMMUNICATION/JOINT PROSECUTION AND CONFIDENTIALITY AGREEMENT COMMUNICATION
Importance: High

Ex. 5 DP/AC/AWP

From: Buettner, Robert
Sent: Tuesday, December 5, 2017 4:34 PM
To: Genece, Merlange (DEC) <merlange.genece@dec.ny.gov>
Cc: McCarthy, Colleen a (DEC) <colleen.mccarthy@dec.ny.gov>; Robert J Stanton <robert.stanton@dec.ny.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Fw: US DRAFT DATED July 2017/ATTORNEY WORK PRODUCT/PRIVILEGED AND CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION/COMMON INTEREST PRIVILEGED COMMUNICATION/JOINT PROSECUTION AND CONFIDENTIALITY AGREEMENT COMMUNICATION
Importance: High

Merlange,

Ex. 5 DP/AC/AWP

Let me know.

Thanks

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Tuesday, December 5, 2017 3:43 PM
To: Elgut, Craig (DEC); Ramrakhiani, Deepak (DEC); McCarthy, Colleen a (DEC); Urdaz, Damaris; Buettner, Robert; Villatora, Liliana; LaVigna, Gaetano
Subject: US DRAFT DATED July 2017/ATTORNEY WORK PRODUCT/PRIVILEGED AND CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION/COMMON INTEREST PRIVILEGED COMMUNICATION/JOINT PROSECUTION AND CONFIDENTIALITY AGREEMENT COMMUNICATION

Ex. 5 DP/AC/AWP

Ex. 5 DP/AC/AWP

Diane

Diane C. Leonardo
Assistant U.S. Attorney
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/22/2018 5:54:36 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: [External] RE: Request for Conference Call on August 22

Ex. 5 DP/AC

From: Villatora, Liliana
Sent: Wednesday, August 22, 2018 1:37 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE: [External] RE: Request for Conference Call on August 22

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Wednesday, August 22, 2018 1:33 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: [External] RE: Request for Conference Call on August 22

Ex. 5 DP/AC

From: Villatora, Liliana
Sent: Wednesday, August 22, 2018 1:28 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE: [External] RE: Request for Conference Call on August 22

Thanks. I plan to get on the phone at 2 – do you want to talk before that?

From: Urdaz, Damaris
Sent: Tuesday, August 21, 2018 11:36 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: [External] RE: Request for Conference Call on August 22

FYI

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, August 21, 2018 9:28 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: RE: [External] RE: Request for Conference Call on August 22

Hi Damaris-

Ex. 5 DP/AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Tuesday, August 21, 2018 8:39 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: FW: [External] RE: Request for Conference Call on August 22

Folks does this date and time slot **--- 2pm on Wednesday**-- work for you? I will reach to other EPA staff once I have secured each of your availability.

Ex. 5 DP/AC

Thanks.

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Tuesday, August 21, 2018 8:33 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Diane.beckmann@usdoj.gov
Cc: Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: RE: [External] RE: Request for Conference Call on August 22

Damaris and Diane,
Will 2:00 PM work tomorrow for a call? If not, we can do 2:30 PM.
Thanks,
Ginny

From: Urdaz, Damaris [mailto:Urdaz.Damaris@epa.gov]
Sent: Monday, August 20, 2018 7:47 PM
To: Robbins, Virginia; Diane.beckmann@usdoj.gov
Cc: Kevin Johnston; Michael J. Cahill; Tyson, Robert
Subject: [External] RE: Request for Conference Call on August 22

3pm or earlier works for us. If 2:30 is possible that would be better. We can't do 3:30.

From: Robbins, Virginia [mailto:RobbinV@bsk.com]
Sent: Monday, August 20, 2018 1:47 PM
To: Diane.beckmann@usdoj.gov; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Ex. 7(A) >; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <TysonR@BSK.com>
Subject: Request for Conference Call on August 22

Dear Diane and Damaris,
I would like to set up a conference call with you both and Kevin Johnston on Wednesday afternoon (8/22/18) this week to follow up on the items discussed during our July 30, 2018 call.
We are available Wednesday anytime other than between 3:00 and 3:30 PM.

We would like to discuss the following matters:

Ex. 7(A)

Ex. 7(A)

Best, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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Commitment · Service · Value · Our Bond
One Lincoln Center, Syracuse, NY 13202-1355
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Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 9/24/2019 2:40:46 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Tuesday, September 24, 2019 10:26 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Subject: Ex. 7(A)

Hi Liliana, Damaris,

Ex. 5 DP/AC

Thanks!

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/9/2019 9:37:55 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, September 09, 2019 4:11 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Ex. 5 DP/AC

Hi Caroline,

Ex. 5 DP/AC

Liliana

From: Makepeace, Caroline
Sent: Monday, September 9, 2019 3:30 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Thursday, September 05, 2019 1:07 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 9/9/2019 1:22:31 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Brookhaven SEP issue

Liliana –

Great! Thanks.

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, September 09, 2019 8:46 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Brookhaven SEP issue

Hello Rosemarie,

I wanted to let you know that I am working on getting Caroline Makepeace the information she needs on the Brookhaven matter. I will be sending her a summary later today and will be available to answer any questions she has about the SEP.

Liliana
X3218

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 9/5/2019 6:53:39 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
CC: Flanagan, Sarah [Flanagan.Sarah@epa.gov]
Subject: Ex. 5 DP/AC
Attachments:

Ex. 5 DP/AC

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 5, 2019 1:47 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 DP/AC

Damaris,

Ex. 5 DP/AC

Liliana

From: Makepeace, Caroline
Sent: Thursday, September 5, 2019 1:07 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/12/2019 8:16:04 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

On Sep 12, 2019, at 2:21 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 DP/AC

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 2:20 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 2:16 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 2:05 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Hi Liliana --

Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 1:26 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC

Caroline,

Ex. 5 DP/AC

Liliana

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:55 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Thursday, September 12, 2019 12:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Sarah Rae
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
Rae.Sarah@epa.gov

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 DP/AC

Hi Ladies,

Ex. 5 DP/AC

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/5/2019 5:06:48 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject:
Attachments: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/12/2019 2:47:56 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Tuesday, September 10, 2019 10:48 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Ex. 5 DP/AC

Caroline,

Ex. 5 DP/AC

From: Makepeace, Caroline
Sent: Monday, September 9, 2019 5:38 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, September 09, 2019 4:11 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Ex. 5 DP/AC

Hi Caroline,

Ex. 5 DP/AC

Liliana

From: Makepeace, Caroline
Sent: Monday, September 9, 2019 3:30 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Thursday, September 05, 2019 1:07 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 DP/AC

Hi Liliana,

Ex. 5 DP/AC

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 5/13/2019 3:47:18 PM
To: Fried, Gregory [Fried.Gregory@epa.gov]
CC: Argentieri, Sabrina [argentieri.sabrina@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]
Subject: Ex. 5 Attorney Client (AC)

Greg,

Ex. 5 AC / Ex. 7(A)

Liliana

From: Fried, Gregory
Sent: Monday, May 13, 2019 11:26 AM
To: Rapp, Steve <Rapp.Steve@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Dressler, Jason <Dressler.Jason@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>; Osbourne, Margaret <osbourne.margaret@epa.gov>; Larson, Darrin <Larson.Darrin@epa.gov>; Field, Jeff <Field.Jeff@epa.gov>; Patefield, Scott <Patefield.Scott@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Mastro, Donna <Mastro.Donna@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Skelley, Dana <Skelley.Dana@epa.gov>; Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>; Edgell, Joe <Edgell.Joe@epa.gov>
Cc: Argentieri, Sabrina <argentieri.sabrina@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Ex. 5 Attorney Client (AC)

Folks,

Ex. 5 AC / Ex. 7(A)

Greg

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 3/14/2019 1:02:02 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Ex. 7(A)
Attachments:

FYI

Sent from my iPhone

Begin forwarded message:

From: "Beckmann, Diane (USANYE)" <Diane.Beckmann@usdoj.gov>
Date: March 14, 2019 at 8:50:22 AM EDT
To: "Gallagher, Mark (ENRD)" <Mark.Gallagher@usdoj.gov>
Cc: "Urdaz, Damaris" <Urdaz.Damaris@epa.gov>, "LaVigna, Gaetano" <LaVigna.Gaetano@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Hi Mark-

Ex. 5 AWP

Thanks,
Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 3/12/2019 9:31:39 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject:
Attachments: Ex. 7(A)

From: Urdaz, Damaris
Sent: Tuesday, March 12, 2019 5:29 PM
To: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 7/24/2018 12:55:05 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)

thanks

From: Urdaz, Damaris
Sent: Tuesday, July 24, 2018 8:49 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Villatora, Liliana
Sent: Tuesday, July 24, 2018 8:27 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Tuesday, July 24, 2018 8:26 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Villatora, Liliana
Sent: Tuesday, July 24, 2018 8:17 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Tuesday, July 24, 2018 8:11 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Villatora, Liliana
Sent: Monday, July 23, 2018 10:07 AM
To: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Diane,

Ex. 5 DP/AC

Liliana

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 2/7/2018 2:53:58 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Wednesday, February 7, 2018 7:49:50 AM
To: Villatora, Liliana
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

From: Cardile, Joseph
Sent: Tuesday, February 06, 2018 6:08 PM
To: Jonesi, Gary <Jonesi.Gary@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Williamson, Caroline <williamson.caroline@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

Joe

From: Jonesi, Gary
Sent: Tuesday, February 06, 2018 6:06 PM
To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Williamson, Caroline <williamson.caroline@epa.gov>
Subject: Ex. 5 DP/AC

Ex. 5 DP/AC

--Gary

Be kind to the environment.
Please do not print this email unless necessary.

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
703-304-6392 (cell)
jonesi.gary@epa.gov

-----Original Appointment-----
From: Cardile, Joseph
Sent: Thursday, February 01, 2018 5:59 PM
To: Cardile, Joseph; Buettner, Robert; Makepeace, Caroline; Villatora, Liliana; Jonesi, Gary; LaVigna, Gaetano; Urdaz, Damaris; Ritz, Phillip
Cc: Williamson, Caroline
Subject: Ex. 5 DP/AC
When: Tuesday, February 06, 2018 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf Rm 2134A

1. Dial the toll-free Conference Number -
2. Enter your 5-digit Conference Extension -
3. If you are a participant press (2) -

Ex. 6 PP

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 7/20/2018 7:18:53 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: RE: Ex. 5 AC / Ex. 7(A) SEP

Great! Thank you

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Friday, July 20, 2018 2:56 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A) SEP

Hi All—

Ex. 5 AC / Ex. 7(A)

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 8/7/2018 9:45:05 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Re: RE:

Ex. 5 DP/AC

Sent from my iPhone

On Aug 7, 2018, at 2:05 PM, Urdaz, Damaris <Urdaz.Damaris@epa.gov> wrote:

Ex. 5 DP/AC

From: Villatora, Liliana
Sent: Tuesday, August 7, 2018 1:59 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Subject: FW:

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Tuesday, August 7, 2018 12:40 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW:

Ex. 5 DP/AC

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, August 7, 2018 12:32 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject:

Hi Damaris-

Ex. 5 DP/AC

Diane C. Leonardo

Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov