Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 7/17/2018 4:57:17 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Tuesday, July 17, 2018 12:52 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, July 17, 2018 12:30 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Tuesday, July 17, 2018 12:18 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

Ex. 5 DP/AC

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 7/17/2018 2:30:33 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Tuesday, July 17, 2018 10:26 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC/DP

From: Villatora, Liliana
Sent: Tuesday, July 17, 2018 8:22 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 DP/AC

From: Urdaz, Damaris
Sent: Tuesday, July 17, 2018 7:47 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 DP/AC

From: LaVigna, Gaetano
Sent: Monday, July 16, 2018 1:56 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

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: Urdaz, Damaris
Sent: Monday, July 02, 2018 9:28 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Guy/Lilianna:

Ex. 5 DP/AC

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 9/24/2019 7:39:52 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
CC: Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Ex. 5 AC

Sent from my iPhone

On Sep 24, 2019, at 3:32 PM, Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov> wrote:

Ex. 5 AC

matt

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Tuesday, September 24, 2019 3:29 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Cc: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Hi Matt,

Ex. 5 AC

Liliana

Sent from my iPhone

On Sep 24, 2019, at 10:26 AM, Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov> wrote:

Hi Liliana, Damaris,

Ex. 5 AC

Ex. 5 AC

Thanks!

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: 5/31/2017 11:49:24 AM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Ex. 5 AC

Ex. 5 AC

Sent from my iPhone

On May 31, 2017, at 7:46 AM, Buettner, Robert <Buettner.Robert@epa.gov> wrote:

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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Begin forwarded message:

From: "Simpson, James" <Simpson.James@epa.gov>
Date: May 24, 2017 at 4:52:36 PM EDT
To: "Buettner, Robert" <Buettner.Robert@epa.gov>, "LaVigna, Gaetano" <LaVigna.Gaetano@epa.gov>, "Ritz, Phillip" <Ritz.Phillip@epa.gov>, "Cardile, Joseph" <Cardile.Joseph@epa.gov>
Cc: "Villatora, Liliana" <Villatora.Liliana@epa.gov>
Subject: Ex. 5 AC

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.

Message

From: Villatora, Liliana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: 9/12/2019 4:43:43 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 5 DP/AC/AWP
Attachments:

Ex. 5 DP/AC/AWP

From: Villatora, Liliana
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

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: 6/20/2019 6:06:37 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

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 DP/AC

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 DP/AC

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 DP/AC

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: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 8/21/2018 1:02:43 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: RE: [External] RE: Request for Conference Call on August 22

Yes-that is good for me,

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 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: **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: 7/31/2018 6:24:06 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

-----Original Message-----
From: LaVigna, Gaetano
Sent: Tuesday, July 31, 2018 1:28 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

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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-----Original Message-----
From: Urdaz, Damaris
Sent: Tuesday, July 31, 2018 11:27 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

-----Original Message-----
From: Simon, Paul
Sent: Tuesday, July 31, 2018 10:15 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

Sent from my iPhone

> On Jul 31, 2018, at 9:56 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov> wrote:

Ex. 5 DP/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 DP/AC

>
>

> On Jul 31, 2018, at 8:49 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov<mailto:Urdaz.Damaris@epa.gov>> wrote:

Ex. 5 DP/AC

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 9/26/2019 5:52:16 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Thursday, September 26, 2019 1:22 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

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: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Tuesday, September 24, 2019 10:45 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Tuesday, September 24, 2019 10:44 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

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: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Tuesday, September 24, 2019 10:40 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Tyson, Robert <tysonr@BSK.com>
Sent: Thursday, September 5, 2019 12:45 PM
To: Beckmann, Diane (USANYE) (Diane.Beckmann@usdoj.gov) <Diane.Beckmann@usdoj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Privileged and Confidential
For Settlement Purposes Only

Dear Diane and Damaris,

Ex. 7(A)

Thank you for your time and consideration, and please let me know if you have questions. Regards, Bob Tyson

Robert Tyson
Member - Dept. Chair - Property
Chair - Environmental and Energy Practice Group
315.218.8221 Direct
315.243.6850 Cell
RTyson@bsk.com
Bio

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Message

From: LaVigna, Gaetano [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1AE927148E3A4FD9BB474ED29EC97781-LAVIGNA, GAETANO]
Sent: 3/19/2019 5:03:32 AM
To: Mark Gallagher (Mark.Gallagher@USDOJ.GOV) [Mark.Gallagher@USDOJ.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: Monday, March 18, 2019 4:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject:

Ex. 7(A)

Ex. 5 AC/AWP

Thanks.

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: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 12/18/2018 6:02:38 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: FW: PRIVILEGED AND CONFIDENTIAL
Attachments: Ex. 7(A)

Ex. 5 AC/AWP

From: Robbins, Virginia <robbinv@bsk.com>
Sent: Wednesday, November 14, 2018 10:46 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.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)

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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Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 8/28/2018 2:28:25 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: RE: The CD
Attachments: Consent Judgment Draft 8-24-18.DOCX

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/AWP

Thanks!

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 7/10/2019 4:43:36 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC/AWP

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Tuesday, August 28, 2018 9:56 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: 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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Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 7/8/2019 1:04:06 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Monday, July 8, 2019 8:49 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Monday, July 8, 2019 8:47 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Monday, July 8, 2019 8:45 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Monday, July 8, 2019 8:43 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

I have a meeting at 10—12.
After 12 would work best

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Friday, July 5, 2019 9:41 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Guy/Diane—can we get together Monday morning by conference call—say 10am?

From: LaVigna, Gaetano
Sent: Wednesday, July 3, 2019 2:53 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)
Importance: High

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: Urdaz, Damaris
Sent: Wednesday, July 03, 2019 1:22 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 7/8/2019 1:03:54 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Friday, May 24, 2019 1:49 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

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)

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: 6/20/2019 4:50:42 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Thursday, June 20, 2019 12:36 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, June 20, 2019 12:33 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: Thursday, June 20, 2019 12:26 PM

To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Hey Diane—

Ex. 5 AC/AWP

Thanks.

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 6/20/2019 4:33:04 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: Ex. 7(A)
Attachments:

Hi Damaris—

Ex. 5 DP/AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Thursday, June 20, 2019 12:26 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Hey Diane—

Ex. 5 DP/AC/AWP

Thanks.

Message

From: Urdaz, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 7/10/2019 5:15:25 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Thanks.

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/AWP

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/AWP

Ex. 5 AC/AWP

Message

From: Urdaz, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 7/31/2018 3:27:45 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

-----Original Message-----
From: Simon, Paul
Sent: Tuesday, July 31, 2018 10:15 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP/AC

Sent from my iPhone

> On Jul 31, 2018, at 9:56 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov> wrote:

Ex. 5 DP/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 DP/AC

>
>
> On Jul 31, 2018, at 8:49 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov<mailto:Urdaz.Damaris@epa.gov>>
wrote:
>

Ex. 5 DP/AC

Message

From: Urdaz, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 7/8/2019 1:29:14 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Monday, July 8, 2019 9:04 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Friday, May 24, 2019 1:49 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

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)

Hi Damaris-

Ex. 5 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 [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 7/31/2018 3:16:22 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: Ex. 7(A)

Ex. 5 DP/AC

From: Simon, Paul
Sent: Tuesday, July 31, 2018 10:15 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

Sent from my iPhone

> On Jul 31, 2018, at 9:56 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov> wrote:
>
> FYI
>
> -----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: Re: Ex. 7(A)
>
> Hi Damaris-

Ex. 5 DP/AC

>
> On Jul 31, 2018, at 8:49 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov<mailto:Urdaz.Damaris@epa.gov>>
wrote:

Ex. 5 DP/AC

Message

From: Urdaz, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 7/2/2019 9:06:22 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Tuesday, July 2, 2019 4:31 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE)
Sent: Thursday, June 20, 2019 12:51 PM
To: 'Urdaz, Damaris' <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Thursday, June 20, 2019 12:36 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, June 20, 2019 12:33 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: Thursday, June 20, 2019 12:26 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Hey Diane—

Ex. 5 AC

Thanks.

Message

From: Urdaz, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 7/2/2019 8:21:46 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Tuesday, July 2, 2019 4:15 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Hi Damaris—

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE)
Sent: Thursday, June 20, 2019 12:51 PM
To: 'Urdaz, Damaris' <Urdaz.Damaris@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Thursday, June 20, 2019 12:36 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, June 20, 2019 12:33 PM

To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE Ex. 7(A)

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Thursday, June 20, 2019 12:26 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Hey Diane—

Ex. 5 AC/AWP

Thanks.

Message

From: Urdaz, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27198AF70E042B589081F9E0EB16EAC-URDAZ, DAMARIS]
Sent: 9/5/2019 6:49:28 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, September 5, 2019 2:47 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject Ex. 7(A)

Ex. 5 AC

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Thursday, September 5, 2019 1:54 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Thanks.

Message

From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 5/8/2019 2:46:54 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]
Subject: RE: EPA Awards $20,000 to Clean Up School Bus Emissions in Berkeley County, West Virginia

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Wednesday, May 08, 2019 9:55 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: RE: EPA Awards $20,000 to Clean Up School Bus Emissions in Berkeley County, West Virginia

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

This e-mail, including attachments, contains information that is confidential and it may be protected by the attorney/client or other privileges. This e-mail, including attachments, constitutes non-public information intended to be conveyed only to the designated recipient(s). If you are not an intended recipient, please delete this e-mail, including attachments, and notify me by return mail, e-mail or at (202) 514-3475. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

From: Lazos, Pamela [mailto:Lazos.Pamela@epa.gov]
Sent: Wednesday, May 8, 2019 9:50 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Subject: FW: EPA Awards $20,000 to Clean Up School Bus Emissions in Berkeley County, West Virginia

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: U.S. Environmental Protection Agency <noreply-subscription@epa.gov>
Sent: Tuesday, May 07, 2019 5:44 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: EPA Awards $20,000 to Clean Up School Bus Emissions in Berkeley County, West Virginia

Contact: R3press@epa.gov

EPA Awards $20,000 to Clean Up School Bus Emissions in Berkeley County, West Virginia

PHILADELPHIA (May 7, 2019) The U.S. Environmental Protection Agency (EPA) recently awarded $20,000 to replace an older Diesel School Bus in Berkeley County, West Virginia. The new bus will reduce pollutants that are linked to health problems such as asthma and lung damage.

The funds are among more than $9.3 million going to 145 school bus fleets in 43 states or territories across the country, each of which will receive rebates through EPA's Diesel Emissions Reduction Act (DERA) funding.

"Children's health is a top priority for EPA, and these grants will help provide cleaner air and a healthier ride to and from school for America's children," **said EPA Administrator Andrew Wheeler.** "This DERA funding reflects our broader children's health agenda and commitment to ensure all children can live, learn, and play in healthy and clean environments."

Applicants replacing buses with engine model years of 2006 and older will receive rebates between $15,000 and $20,000, depending on the size of the bus. Regional, state, or tribal agencies including school districts and municipalities, or private entities that operate school buses under contract with state, tribal or local agencies were eligible to apply.

Over the last seven years, EPA has awarded approximately $39 million in rebates to replace almost 2,000 school buses. Bus replacements funded through the rebate program reduce emissions and exposure to particulate matter and nitrogen oxides for children at schools, bus stops, and on the buses themselves.

School buses travel over 4 billion miles each year, providing the safest transportation to and from school for more than 25 million American children every day. However, exhaust from diesel buses can harm health, especially in children, who have a faster breathing rate than adults and whose lungs are not yet fully developed.

EPA has implemented standards to make newer diesel engines more than 90 percent cleaner, but many older diesel school buses are still operating. These older diesel engines emit large amounts of pollutants such as nitrogen oxides and particulate matter, which are linked to instances of aggravated asthma, lung damage and other serious health problems.

The 2018 DERA school bus rebate recipients can be found at: www.epa.gov/cleandiesel/clean-diesel-rebates-issued-2012-2018.

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103-2029 United States

Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 5/2/2019 5:34:44 PM
To: Lazos, Pamela [Lazos.Pamela@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]
Subject: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Hi All,
Do you want to talk about any of the items below?
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 4/29/2019 9:36:07 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
CC: Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]
Subject: Ex. 7(A)

The highlight of a legal career – sending people a mess of junk to look at. ☺

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 5:17 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Cc: Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 4/29/2019 5:02:35 PM
To: Lazos, Pamela [Lazos.Pamela@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Zimny, James [zimny.james@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney

Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/25/2019 9:21:03 PM
To: Greenwald, Michael [Greenwald.Michael@epa.gov]
Subject: Ex. 7(A)

Thanks, Mike. I sent an invitation.

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Greenwald, Michael <Greenwald.Michael@epa.gov>
Sent: Tuesday, June 25, 2019 12:33 PM
To: Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

I'm in the field today but will finish my part tonight. I will make myself available Friday whenever for the call.

From: Maslowski, Steven
Sent: Tuesday, June 25, 2019 9:25 AM
To: Zimny, James <zimny.james@epa.gov>; Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

On Thursday I am available 9 AM to 11:30 AM, 1 to 4:30 PM and Friday I am available 9 AM to 4 PM.

From: Zimny, James
Sent: Tuesday, June 25, 2019 9:12 AM
To: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Friday works for me anytime. Thursday between 3:30 and 5 will not work for me

---

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, June 24, 2019 6:20 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Pam gave her times. Would Friday work for you? Or 4 pm Thursday?
Thanks. Donna

Sent from my iPhone

On Jun 20, 2019, at 3:23 PM, Lazos, Pamela <Lazos.Pamela@epa.gov> wrote:

Before 11 am, between 12-2, and after 4p on Thursday or anytime Friday.

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, June 20, 2019 3:16 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Please let me know if I have missed something.
Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section

U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

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Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/24/2019 10:20:46 PM
To: Zimny, James [zimny.james@epa.gov]
CC: Lazos, Pamela [Lazos.Pamela@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)

Thanks, James.
I sent an email asking about times for a call.
Donna

Sent from my iPhone

On Jun 24, 2019, at 4:33 PM, Zimny, James <zimny.james@epa.gov> wrote:

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, June 20, 2019 3:16 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Please let me know if I have missed something.
Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

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

Message

From: Zimny, James [zimny.james@epa.gov]
Sent: 6/20/2019 7:30:43 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Lazos, Pamela [Lazos.Pamela@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, June 20, 2019 3:16 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Please let me know if I have missed something.
Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section

U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 6/20/2019 5:45:03 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Zimny, James [zimny.james@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, June 20, 2019 11:46 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>

Ex. 7(A)

Let's talk about this email and attachments today at 2. Thanks!
Donna

Sent from my iPhone

Begin forwarded message:

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Date: June 20, 2019 at 9:04:43 AM EDT
To: "Duer, Donna (ENRD)" <Donna.Duer@usdoj.gov>
Cc: "Lazos, Pamela" <Lazos.Pamela@epa.gov>, "Driver, Charles S" <Charles.S.Driver@wv.gov>, "Maslowski, Steven" <Maslowski.Steven@epa.gov>, "Greenwald, Michael" <Greenwald.Michael@epa.gov>, "'Bandy, Jeremy W'" <Jeremy.W.Bandy@wv.gov>, "'Wright, Brad M'" <Brad.M.Wright@wv.gov>, "Zimny, James" <zimny.james@epa.gov>

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Tuesday, June 18, 2019 4:53 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'; Zimny, James

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Monday, June 10, 2019 5:12 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>; 'Wright, Brad M' <Brad.M.Wright@wv.gov>

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Talk to you soon,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Friday, June 07, 2019 4:22 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thank you.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Friday, May 31, 2019 9:25 AM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/20/2019 3:45:40 PM
To: Lazos, Pamela [Lazos.Pamela@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Zimny, James [zimny.james@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Let's talk about this email and attachments today at 2. Thanks!
Donna

Sent from my iPhone

Begin forwarded message:

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Date: June 20, 2019 at 9:04:43 AM EDT
To: "Duer, Donna (ENRD)" <Donna.Duer@usdoj.gov>
Cc: "Lazos, Pamela" <Lazos.Pamela@epa.gov>, "Driver, Charles S" <Charles.S.Driver@wv.gov>, "Maslowski, Steven" <Maslowski.Steven@epa.gov>, "Greenwald, Michael" <Greenwald.Michael@epa.gov>, "'Bandy, Jeremy W'" <Jeremy.W.Bandy@wv.gov>, "'Wright, Brad M'" <Brad.M.Wright@wv.gov>, "Zimny, James" <zimny.james@epa.gov>

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Tuesday, June 18, 2019 4:53 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'; Zimny, James
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Monday, June 10, 2019 5:12 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>; 'Wright, Brad M' <Brad.M.Wright@wv.gov>

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Talk to you soon,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Friday, June 07, 2019 4:22 PM

To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thank you.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Friday, May 31, 2019 9:25 AM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'

Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
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202-514-3475
Donna.duer@usdoj.gov

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Message

From: Zimny, James [zimny.james@epa.gov]
Sent: 6/19/2019 7:21:35 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Lazos, Pamela [Lazos.Pamela@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Tuesday, June 18, 2019 5:08 PM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Hello EPA,

Ex. 7(A)

Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Duer, Donna (ENRD)
Sent: Friday, June 7, 2019 4:49 PM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475

Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Greenwald, Michael <Greenwald.Michael@epa.gov>
Sent: Thursday, May 2, 2019 1:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, May 02, 2019 1:35 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Hi All,
Do you want to talk about any of the items below?
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski,

Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 6/19/2019 5:16:32 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Zimny, James [zimny.james@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)

Yes!!

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Tuesday, June 18, 2019 5:08 PM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Ex. 6 Personal Privacy (PP)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Duer, Donna (ENRD)
Sent: Friday, June 7, 2019 4:49 PM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475

Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Greenwald, Michael <Greenwald.Michael@epa.gov>
Sent: Thursday, May 2, 2019 1:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, May 02, 2019 1:35 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Hi All,
Do you want to talk about any of the items below?
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski,

Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/18/2019 8:52:35 PM
To: Richard Lewis [Richard.Lewis@steptoe-johnson.com]
CC: Lazos, Pamela [Lazos.Pamela@epa.gov]; Driver, Charles S [Charles.S.Driver@wv.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; 'Bandy, Jeremy W' [Jeremy.W.Bandy@wv.gov]; Wright, Brad M [brad.m.wright@wv.gov]; Zimny, James [zimny.james@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Monday, June 10, 2019 5:12 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>; 'Wright, Brad M' <Brad.M.Wright@wv.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Talk to you soon,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Friday, June 07, 2019 4:22 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Friday, May 31, 2019 9:25 AM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Donna,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM

To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 6/11/2019 8:38:25 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Zimny, James [zimny.james@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)

Sounds like our marching orders, yes.

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Tuesday, June 11, 2019 4:30 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

EPA Team,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>; 'Wright, Brad M' <Brad.M.Wright@wv.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Talk to you soon,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Friday, June 07, 2019 4:22 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thank you.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Donna,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 1/30/2019 3:32:10 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Wednesday, January 30, 2019 10:31 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Lazos, Pamela [mailto:Lazos.Pamela@epa.gov]
Sent: Wednesday, January 30, 2019 10:27 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Greenwald, Michael
Sent: Wednesday, January 30, 2019 10:24 AM
To: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Wednesday, January 30, 2019 10:17 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

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Message

From: Zimny, James [zimny.james@epa.gov]
Sent: 6/11/2019 4:10:53 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Driver, Charles S [Charles.S.Driver@wv.gov]; Wright, Brad M [brad.m.wright@wv.gov]; 'Bandy, Jeremy W' [Jeremy.W.Bandy@wv.gov]
CC: Lazos, Pamela [Lazos.Pamela@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, June 10, 2019 5:26 PM
To: Driver, Charles S <Charles.S.Driver@wv.gov>; Wright, Brad M <brad.m.wright@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Hello WVDEP,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Monday, June 10, 2019 5:12 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>; 'Wright, Brad M' <Brad.M.Wright@wv.gov>
Subject: Ex. 7(A)

Donna and all,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Talk to you soon,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Friday, June 07, 2019 4:22 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Friday, May 31, 2019 9:25 AM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Donna,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/10/2019 9:25:45 PM
To: Driver, Charles S [Charles.S.Driver@wv.gov]; Wright, Brad M [brad.m.wright@wv.gov]; 'Bandy, Jeremy W' [Jeremy.W.Bandy@wv.gov]
CC: Lazos, Pamela [Lazos.Pamela@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Zimny, James [zimny.james@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Hello WVDEP,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>; 'Wright, Brad M' <Brad.M.Wright@wv.gov>
Subject: Ex. 7(A)

Donna and all,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Talk to you soon,

Richard

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To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'; 'Wright, Brad M'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thank you.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Donna,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM

To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/7/2019 8:48:30 PM
To: Greenwald, Michael [Greenwald.Michael@epa.gov]; Lazos, Pamela [Lazos.Pamela@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Zimny, James [zimny.james@epa.gov]; Tosi, Piero [tosi.piero@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Greenwald, Michael <Greenwald.Michael@epa.gov>
Sent: Thursday, May 2, 2019 1:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Mike

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, May 02, 2019 1:35 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Hi All,
Do you want to talk about any of the items below?
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

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From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Lazos, Pamela [Lazos.Pamela@epa.gov]
Sent: 1/30/2019 3:26:16 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

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To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

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Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 6/7/2019 8:21:44 PM
To: Richard Lewis [Richard.Lewis@steptoe-johnson.com]
CC: Lazos, Pamela [Lazos.Pamela@epa.gov]; Driver, Charles S [Charles.S.Driver@wv.gov]; Maslowski, Steven [Maslowski.Steven@epa.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; 'Bandy, Jeremy W' [Jeremy.W.Bandy@wv.gov]; Wright, Brad M [brad.m.wright@wv.gov]
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thank you.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Richard Lewis <Richard.Lewis@steptoe-johnson.com>
Sent: Friday, May 31, 2019 9:25 AM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Donna,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks,

Richard

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Thursday, May 30, 2019 6:06 PM
To: Richard Lewis
Cc: Lazos, Pamela; Driver, Charles S; Maslowski, Steven; Greenwald, Michael; 'Bandy, Jeremy W'
Subject: Ex. 7(A)

Hello Richard,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Greenwald, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FFD5673884C44727A7964EDAE166B90A-GREENWALD,]
Sent: 5/2/2019 6:19:54 PM
To: Maslowski, Steven [Maslowski.Steven@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Maslowski, Steven
Sent: Thursday, May 02, 2019 1:58 PM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Mike,

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

From: Greenwald, Michael
Sent: Thursday, May 02, 2019 1:56 PM
To: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Mike

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, May 02, 2019 1:35 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Hi All,
Do you want to talk about any of the items below?
Donna

Donna Duer
Trial Attorney

Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Ex. 5 Attorney Client (AC), Ex. 5 Attorney Work Product (AWP), Ex. 7(A)

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Lazos, Pamela

From: Maslowski, Steven
Sent: Friday, July 08, 2016 1:36 PM
To: Lazos, Pamela; Greenwald, Michael
Subject: FW: BCPSSD - SEP Settlement proposal
Attachments: Riverside Brookfield Sewer Extension.pdf; Riverside Brookfield Cost Est.pdf

Ex. 5 AC/AWP

From: Dolly, Robin C [mailto:Robin.C.Dolly@wv.gov]
Sent: Tuesday, July 05, 2016 10:03 AM
To: Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: FW: BCPSSD - SEP Settlement proposal

fyi

From: Driver, Charles S
Sent: Tuesday, July 05, 2016 9:09 AM
To: Bandy, Jeremy W <Jeremy.W.Bandy@wv.gov>; Mandirola, Scott G <Scott.G.Mandirola@wv.gov>; Lockhart, John V <John.V.Lockhart@wv.gov>; Dolly, Robin C <Robin.C.Dolly@wv.gov>
Subject: FW: BCPSSD - SEP Settlement proposal

From: Marc Bryson [mailto:Marc.Bryson@steptoe-johnson.com]
Sent: Tuesday, June 28, 2016 11:04 AM
To: Driver, Charles S <Charles.S.Driver@wv.gov>
Subject: FW: BCPSSD - SEP Settlement proposal

Marc Bryson
Steptoe & Johnson PLLC
P.O. Box 1588, Charleston, WV 25326-1588
Overnight
Chase Tower, 17th Floor
707 Virginia Street, East, Charleston, WV 25301
O: 304-353-8149 F: 304-353-8180 C: 304-610-9847

marc.bryson@steptoe-johnson.com
www.steptoe-johnson.com

STEPTOE & JOHNSON
ATTORNEYS AT LAW

From: Marc Bryson
Sent: Friday, June 24, 2016 10:33 AM
To: Bandy, Jeremy W
Cc: Richard Lewis
Subject: BCPSSD - SEP Settlement proposal

Good morning Jeremy,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Thank you,

Marc

Marc Bryson
Steptoe & Johnson PLLC
P.O. Box 1588, Charleston, WV 25326-1588
Overnight
Chase Tower, 17th Floor
707 Virginia Street, East, Charleston, WV 25301
O: 304-353-8149 F: 304-353-8180 C: 304-610-9847

marc.bryson@steptoe-johnson.com
www.steptoe-johnson.com

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Message

From: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Sent: 9/5/2019 9:22:58 PM
To: Lazos, Pamela [Lazos.Pamela@epa.gov]
Subject:
Attachments: Ex. 7(A)

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

Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Thursday, September 5, 2019 5:17 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Ex. 5 AC, Ex. 7(a)

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, September 05, 2019 5:07 PM
To: Driver, Charles S <Charles.S.Driver@wv.gov>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: Ex. 7(A)

Scott,

Ex. 5 AC, Ex. 7(a)

Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 3/20/2018 7:02:19 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Subject: Ex. 7(A)

Great.

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Tuesday, March 20, 2018 1:52 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Cc: Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Attorney Client Communication/Attorney Work Product

Ex. 5 AC/AWP

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela [mailto:Lazos.Pamela@epa.gov]
Sent: Tuesday, March 20, 2018 12:40 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Another question I don't know the answer to, but will be prepared to answer next week.

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Tuesday, March 20, 2018 12:19 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Cc: Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Attorney Client Communication/Attorney Work Product

Pam,

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

Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Duer, Donna (ENRD)
Sent: Tuesday, March 20, 2018 11:38 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Cc: Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Pam,

Ex. 5 AC/AWP/DP

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 3/20/2018 4:34:07 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Subject: Ex. 7(A)

Okay. I'll talk to Mike and Steve and see what's what.

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]
Sent: Tuesday, March 20, 2018 11:38 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Cc: Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Subject: Ex. 7(A)

Pam,

Ex. 5 AC/AWP/DP

Thanks.
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 4/29/2019 6:21:06 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 1:03 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Ex. 7(A)

Hi Pam,

Ex. 5 AC/AWP/DP

Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Monday, April 29, 2019 12:56 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>
Subject: Ex. 7(A)

My comments below:

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, April 29, 2019 10:53 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Driver, Charles S <Charles.S.Driver@wv.gov>; 'Bandy, Jeremy W' <Jeremy.W.Bandy@wv.gov>

Ex. 7(A)

Hello EPA,
Here's the list of tasks resulting from our meeting last week. Please let me know if you have any revisions.
Thanks.
Donna

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 9/5/2019 9:27:47 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Subject: Ex. 7(A)

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

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, September 05, 2019 5:23 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: Ex. 7(A)

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

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Thursday, September 5, 2019 5:17 PM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

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

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, September 05, 2019 5:07 PM
To: Driver, Charles S <Charles.S.Driver@wv.gov>
Cc: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: Ex. 7(A)

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

Donna Duer

Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

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Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 8/22/2019 3:22:21 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]
Subject: RE: AAG memo on using SEPs in settlements with state and local governments

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

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Wednesday, August 21, 2019 4:40 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: [SPAM-Sender] FW: AAG memo on using SEPs in settlements with state and local governments

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

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Wednesday, August 21, 2019 1:32 PM
To: ENRD-EES Section (includes field) <ENRD-EESSection_includesfield@ENRD.USDOJ.GOV>
Subject: AAG memo on using SEPs in settlements with state and local governments

Ex. 5 AC/DP

Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 8/15/2019 6:38:10 PM
To: Maslowski, Steven [Maslowski.Steven@epa.gov]
Subject: Ex. 7(A)
Attachments:

From: Zimny, James <zimny.james@epa.gov>
Sent: Thursday, June 20, 2019 3:31 PM
To: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, June 20, 2019 3:16 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Zimny, James <zimny.james@epa.gov>; Tosi, Piero <tosi.piero@epa.gov>
Subject: Ex. 7(A)

Hi EPA,
To sum up today's call:

Ex. 5 AC/AWP/DP

Please let me know if I have missed something.
Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
donna.duer@usdoj.gov

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Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 6/28/2019 12:44:54 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 5 AC / Ex. 7(A)

You got it. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Friday, June 28, 2019 8:36 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: Ex. 5 AC / Ex. 7(A)

Re appendices, will rely on you to carry the conversation, which I imagine will be short.

-----Original Message-----
From: John Milner <jmilner@brunini.com>
Sent: Friday, June 28, 2019 8:32 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: Re: Ex. 5 AC / Ex. 7(A)

Thanks, Suzanne. We'll look forward to our discussion.

John

Sent from my iPhone

> On Jun 28, 2019, at 7:59 AM, Armor, Suzanne <Armor.Suzanne@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

>
> Thank you,
> Suzanne
>
> Suzanne K. Armor I 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<mailto:armor.suzanne@epa.gov>
>
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>
>
> <image001.png>
>
> Ex. 7(A)

John E. Milner
E: mailto:jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

Brunini, Grantham, Grower & Hewes, PLLC
The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201 Post Office Drawer 119, Jackson, MS 39205

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Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/28/2019 3:17:14 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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: Armor, Suzanne
Sent: Friday, June 28, 2019 8:43 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Friday, June 28, 2019 8:36 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Ex. 7(A)

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Wednesday, June 26, 2019 3:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 5 AC / Ex. 7(A)

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

I will let you know what I hear from her tomorrow!

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: Armor, Suzanne
Sent: Wednesday, June 26, 2019 3:19 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

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

From: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:28 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Thanks, Valerie. I Ex. 5 AC/AWP/DP, Ex. 7(a) Will send to you both once that's done.

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

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, June 26, 2019 2:26 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, May 8, 2019 12:51 PM

To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:47 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Thanks so much Valerie! Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A)

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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WJC South 3110B (Mail Code 2243-A)
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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 08, 2019 12:43 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

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

--Valerie Mann

US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

** Adding in one additional question below**

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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WJC South 3110B (Mail Code 2243-A)
1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
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gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/26/2019 6:48:43 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)

okay, thanks!

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: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:48 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah
Sent: Wednesday, June 26, 2019 2:44 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:42 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Me, too. Ex. 5 Attorney Work Product (AWP)

From: Rae, Sarah
Sent: Wednesday, June 26, 2019 2:36 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:34 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

I'm assuming you've seen the emails back and forth. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah
Sent: Wednesday, June 26, 2019 2:33 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

will do! I am on a call now that goes til 4pm, will call you after.

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: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:17 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Call me when you get a chance. We have an update on Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah
Sent: Wednesday, June 26, 2019 2:12 PM

To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Valerie!

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, June 26, 2019 2:11 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/26/2019 6:44:38 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: RE: Ex. 7(A)

Thanks Suzanne!

Sarah Rae
Attorney-Adviser
United States Environmental Protection Agency
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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: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:28 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks, Valerie. I'll work tomorrow on updating the Ex. 5 DP / Ex. 7(A)
Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, June 26, 2019 2:26 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, May 8, 2019 12:51 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:47 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

Thanks so much Valerie! Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
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gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 08, 2019 12:43 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

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

--Valerie Mann
US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

** Adding in one additional question below**

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
Attorney-Adviser
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gonzalez.sarah@epa.gov

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Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 6/26/2019 6:25:57 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)
Attachments: ATT00001.txt

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, May 8, 2019 12:51 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

I can answer that. Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:47 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

Thanks so much Valerie! Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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1200 Pennsylvania Avenue NW
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(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 08, 2019 12:43 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

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

--Valerie Mann
US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

** Adding in one additional question below**

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez

Attorney-Adviser
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1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
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gonzalez.sarah@epa.gov

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Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/11/2019 4:02:28 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: RE: Ex. 7(A) SEP

I just spoke with Rosemarie and she was not sure if Susan's email went out yet. We have put this on the agenda for the weekly with Susan for Thursday afternoon, I hope to have an answer after that meeting!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Tuesday, June 11, 2019 10:17 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Ex. 7(A) SEP

Hi, Sarah –

Have you heard anything on your end about Ex. 7(A) I'm at a conference and Ex. 7(A) Ex. 7(A) is here. I obviously don't plan on saying anything, but am curious where we sit.

Thanks,
Suzanne

From: Gonzalez, Sarah
Sent: Monday, June 3, 2019 4:31 PM
To: Bush, William <Bush.William@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Suzanne and Bill,

First, welcome back to enforcement Bill! To clarify, we do not need to submit the signed CD. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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Washington, DC 20004
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gonzalez.sarah@epa.gov

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Please consider the environment before printing this email

Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 5/14/2019 6:57:48 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: RE: Ex. 7(A)

Hi, Sarah –

I got your voicemail re: Ex. 7(A) I'm in a meeting the rest of the afternoon, but let's find some time tomorrow to talk. I'm free anytime except from 12:30-2:00 pm EST.

Thanks,
Suzanne

From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:52 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

Perfect! Thank you both for tracking down that information so quickly!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 08, 2019 12:51 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:47 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

Thanks so much Valerie! Ex. 5 AC/AWP/DP, Ex. 7(a)

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

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 08, 2019 12:43 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

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

--Valerie Mann
US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: RE: Ex. 7(A)

** Adding in one additional question below**

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

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
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(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 5/31/2019 2:13:44 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
CC: Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: RE: Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Thursday, May 30, 2019 5:09 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE Ex. 7(A)

Valerie and Suzanne,

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

I am off tomorrow but I will be back in the office on Monday. Have a good weekend!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 30, 2019 10:23 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Sarah,

Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 15, 2019 2:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 1:09 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 15, 2019 12:50 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 5/30/2019 2:25:19 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: RE: Ex. 7(A)

Valerie,

Ex. 5 AC / Ex. 7(A)

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 30, 2019 10:23 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Sarah,

Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 15, 2019 2:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 1:09 PM

To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 15, 2019 12:50 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 5/22/2019 8:29:02 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: My notes on SEPs from 5/16 DOJ/OECA/ORC call

Per our discussion last week, here are the notes I managed to take during last week's discussion on the SEP issue, for your reference. To the extent I missed something, I apologize; I was typing fast and furiously to keep up with everyone.

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Agenda
DOJ/OCE/RC Monthly
Thursday, May 16, 2019 (1:00-2:30pm EDT)

Conference Line/Code / Ex. 6

1. **SEPs Status (DOJ (20 min)**
   a. Status update regarding SEPs
      i. Where defendant is a state or local unit of government
         - AA Clark views SEPs in these cases as barred by AG Sessions' November 2018 memo, Section III.C.5 ("CD must not be used to extract greater or different relief…"). Under direction not to advance SEP discussions in any way in gov't cases.
         - Same memo (Section III.C) outlines a number of things that gov'tl entity CDs need to abide by.
         - Jesse Pennucio left on May 3, 2019.
         - OECA will make another request for meeting with new DAA Claire Murray - week of Memorial Day
         - When you say advance, what do you mean?
           - Don't discuss SEPs - we are under a categorical ban
         - Leif - Ex. 7(A) SEP

Ex. 5 DP / Ex. 7(A)

         - What about situation where the State will use its penalty for SEPs?
           - We don't think State projects are prohibited, but don't use them to circumvent AAG's direction that we not use them
             - Larry S - thought it was clear that wasn't a problem
         - Tom Mariani - these are going to get real scrutiny

- As long as we're following pretty standard penalty split (50-50ish), we should be okay?
  - Don't know
- Ex. 7(A)

  Ex. 5 DP / Ex. 7(A)
- Concern about sewer laterals and others that provide private benefit (benefits to individuals rather than public/environment); also, lead abatement, sewer hookups. (applies to both gov't and private party SEPs)
  - What about charging stations? Susan says these are disfavored. You'd need a strong nexus.
  -

ii. Where defendant is a private party

- We can continue to negotiate SEPs where discussions have already been going
- A few caveats:
  - Defendants have to raise it (DOJ cannot broach the issue, but can discuss it if they raise it). Can't have EPA as a work-around
  - No novel SEPs - must clearly meet the SEP Policy
  - Concern re: conferring individual benefits
  - Without prejudice to AAG Clark's continuing review and refinement of his position
- Larry: at EPA, we shouldn't be "selling" SEPs, but we are not under a constraint that, if a party says "that's a high penalty; can we talk about how to lower it?," we can mention our SEP policy. We can answer what's been a successful SEP. The frustrating thing is that "no novel SEP" - private laterals weren't considered novel until now. We need from AAG Clark what's on the green side of the line. Until we do, we'll need to go case-by-case, how strong is our nexus. Rather we wait until things settle a bit than get ahead of the train. Hard to remake them if we disassemble them.
- Only SEP that is categorical out are ones that violate this "public choice" issue.
- Do same restrictions apply to USAOs?
  - Yes.
- Does this impact mitigation projects (Dave Kozen)?
  - Don't think this is part of that.

a. Any forecast on next steps or next developments

- SEPs are not "dead," but we still have a lot of issues we need to work through. Please be mindful of the messaging on this.

Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 5/7/2019 4:27:55 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A)

Hi, Sarah –

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

Thanks,
Suzanne

From: Armor, Suzanne
Sent: Thursday, May 2, 2019 1:20 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

From: Armor, Suzanne
Sent: Thursday, May 2, 2019 9:34 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Ex. 7(A)

Sounds good. Ex. 5 DP / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 1, 2019 5:03 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Ex. 7(A)

Let me talk to Henry—I'll get back with you on this later this week.

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, May 1, 2019 4:59 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Ex. 7(A)

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

Thanks,
Suzanne

From: John Milner <jmilner@brunini.com>
Sent: Wednesday, May 1, 2019 4:55 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please let me know if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
Bio / V-Card

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Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 5/2/2019 5:19:49 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

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

From: Armor, Suzanne
Sent: Thursday, May 2, 2019 9:34 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 1, 2019 5:03 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, May 1, 2019 4:59 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Ex. 7(A)

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

Thanks,
Suzanne

From: John Milner <jmilner@brunini.com>
Sent: Wednesday, May 1, 2019 4:55 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please let me know if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

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Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 8/7/2019 1:25:19 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: RE: Ex. 7(A) followup

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, August 7, 2019 9:10 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A) followup

Thanks for the update. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, August 7, 2019 9:03 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A) followup

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, August 7, 2019 8:55 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: Ex. 7(A) followup

Any news?

Ex. 5 AC / Ex. 7(A)

I'm out on annual leave next week.

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, July 31, 2019 2:46 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: FW: Ex. 7(A) followup

FYI. I'll let you know when I hear more. Meeting hasn't been set yet, to the best of my knowledge.

From: Palmer, Leif <Palmer.Leif@epa.gov>
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) followup

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:

Ex. 5 AC / Ex. 7(A)

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: RE: Ex. 7(A) followup

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)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A) Please let me and the other R4 staff on this email about who should attend for OECA and potential times.

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,

I appreciate having the opportunity to participate in the mini docket review on Wednesday. I was moving in between buildings while in San Francisco (on business) and so couldn't always hear perfectly.

Ex. 5 AC / 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

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 8/29/2019 1:33:00 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Thursday, August 29, 2019 9:18 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, August 29, 2019 9:02 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

FYI: I've changed my part-time work schedule: it is now Mon-Thurs. I don't work on Fridays anymore.

Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 7/22/2019 4:16:59 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Let me know when you'd like to talk. I'm free the rest of the day.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

I am available this aft Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 11:58 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie & Sarah –

Do you all have some time this afternoon to discuss Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I'm free all afternoon. Let me know what works for you.

Thanks,
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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Sent: 8/29/2019 1:17:39 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC / Ex. 7(A)

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Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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Sent: 3/19/2019 8:56:48 PM
To: John Milner [jmilner@brunini.com]; Gene Wasson [gwasson@brunini.com]
CC: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Gretchen Zmitrovich [GZMITROVICH@mdeq.ms.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 7(A)

Thank you,
Suzanne

Ex. 7(A)

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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-----Original Message-----
From: Armor, Suzanne
Sent: Thursday, March 14, 2019 3:13 PM
To: 'John Milner' <jmilner@brunini.com>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: RE: Ex. 7(A)

Thanks, John and Gene. We will get back to you as soon as possible after our team has considered these proposed edits.

Best,
Suzanne

-----Original Message-----
From: John Milner <jmilner@brunini.com>
Sent: Thursday, March 14, 2019 2:27 PM
To: Gene Wasson <gwasson@brunini.com>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Re: Ex. 7(A)

Suzanne,

Gene sent this to you as well in PDF format. Let us know if you have questions. Thanks

John

Sent from my iPhone

On Mar 14, 2019, at 2:22 PM, Gene Wasson <gwasson@brunini.com<mailto:gwasson@brunini.com>> wrote:

Suzanne, please see the attached pdf.

Gene Wasson
E: gwasson@brunini.com<mailto:gwasson@brunini.com>
P: 601-960-6897 F: 601-960-6902

==========

John E. Milner
E: jmilner@brunini.com<mailto:jmilner@brunini.com>
P: 601-960-6842 F: 601-960-6902

[http://www.brunini.com/wp-content/uploads/2016/06/BGGH-FullLogo.gif]

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201 Post Office Drawer 119, Jackson, MS 39205

Error! Hyperlink reference not valid.>
Bio<http://www.brunini.com/attorneys-31.html> / V-Card<http://www.brunini.com/vcard-31.vcf>

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From: Armor, Suzanne [mailto:Armor.Suzanne@epa.gov]
Sent: Thursday, March 14, 2019 12:59 PM
To: John Milner
Cc: Gene Wasson
Subject: RE: Ex. 7(A)

Thanks, John. Ex. 7(A)

Ex. 7(A)

<image001.jpg>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<mailto:armor.suzanne@epa.gov>

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-----Original Message-----
From: John Milner <jmilner@brunini.com<mailto:jmilner@brunini.com>>
Sent: Thursday, March 14, 2019 11:57 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov<mailto:Armor.Suzanne@epa.gov>>
Cc: Gene Wasson <gwasson@brunini.com<mailto:gwasson@brunini.com>>
Subject: Ex. 7(A)

Suzanne,

Ex. 7(A)

Ex. 7(A)

John

Sent from my iPad

John E. Milner
E: jmilner@brunini.com<mailto:jmilner@brunini.com<mailto:jmilner@brunini.com%3cmailto:jmilner@brunini.com>>
P: 601-960-6842 F: 601-960-6902

[http://www.brunini.com/wp-content/uploads/2016/06/BGGH-FullLogo.gif]

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201 Post Office Drawer 119, Jackson, MS 39205

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Bio<http://www.brunini.com/attorneys-31.html> / V-Card<http://www.brunini.com/vcard-31.vcf>

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Ex. 7(A)

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 10/16/2019 2:41:26 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)

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

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, October 16, 2019 9:52 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Wednesday, October 16, 2019 9:50 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

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

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: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, October 16, 2019 9:47 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie and Sarah –

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

Thanks,
Suzanne

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

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Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 9/20/2019 3:29:13 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: RE: Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, September 19, 2019 4:07 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Thursday, September 19, 2019 3:41 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 DP / Ex. 7(A)

Thanks, Valerie.

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

Best,
Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, September 16, 2019 10:50 AM
To: jmilner@brunini.com; Gene Wasson <gwasson@brunini.com>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 5 DP / Ex. 7(A)

For your files.

--Valerie Mann

Office Phone
202 616 8756

USPS Address
P.O. Box 7611
Washington, D.C. 20044

FedEx and other Overnight Service Address
4 Constitution Square
150 M Street N.E. room 2.900
Washington, D.C. 20002

Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 10/3/2019 8:46:49 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, October 3, 2019 4:33 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>
Sent: Thursday, October 3, 2019 12:20 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Gretchen Zmitrovich
Sent: Wednesday, September 4, 2019 8:17 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

I'm available Tuesday, Wednesday and Thursday afternoons.

From: Armor, Suzanne [mailto:Armor.Suzanne@epa.gov]
Sent: Wednesday, September 4, 2019 6:32 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>
Subject: FW: Ex. 7(A)

I know Valerie is out this week, but let's find a time to talk to John Milner next week?

Thanks,
Suzanne

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Thursday, August 29, 2019 11:03 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

Let's talk on Tuesday.

From: Palmer, Leif
Sent: Wednesday, August 28, 2019 2:23 PM
To: Gordon, Scott <Gordon.Scott@epa.gov>
Subject: Fwd: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

> **From:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Date:** August 26, 2019 at 1:24:26 PM EDT
> **To:** "Walker, Mary" <walker.mary@epa.gov>
> **Cc:** "ashbee.blake@epa.gov" <ashbee.blake@epa.gov>, "Banister, Beverly" <Banister.Beverly@epa.gov>, "Armor, Suzanne" <Armor.Suzanne@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>
> **Subject:** Ex. 7(A)

Ex. 7(A)

Ex. 5 AC/AWP/DP

Leif Palmer
Regional Counsel
US EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303
(404) 562-9542
(770) 856-2876 (cell)

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Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 8/2/2019 11:51:36 AM
To: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)

Thanks, Sarah.

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Thursday, August 1, 2019 9:20 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: Ex. 7(A)

FYI.

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: Pollins, Mark <Pollins.Mark@epa.gov>
Sent: Thursday, August 01, 2019 4:29 PM
To: Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Fwd: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

> **From:** "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>
> **Date:** August 1, 2019 at 4:00:44 PM EDT
> **To:** "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Cc:** "Bodine, Susan" <bodine.susan@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>
> **Subject: RE:** Ex. 7(A)
>
> Larry, thanks for your message Ex. 5 AC / Ex. 7(A)
>
> Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Thursday, August 1, 2019 2:27 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Larry

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Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 9/4/2019 5:49:08 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)
Attachments:

Thanks! Here is the draft write-up we discussed.

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: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, September 04, 2019 1:46 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: FW: Hattiesburg CD edits re: Appendices

From: Gene Wasson <gwasson@brunini.com>
Sent: Tuesday, September 3, 2019 11:07 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: jmilner@brunini.com
Subject: RE: Ex. 7(A)

Valerie,

Ex. 7(A)

Regards,

Gene

Gene Wasson
E: gwasson@brunini.com
P: 601-960-6897 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
Bio / V-Card

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From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Thursday, August 29, 2019 5:51 PM
To: John Milner; 'Armor, Suzanne'
Cc: Gene Wasson
Subject: Ex. 7(A)

John,
Thank you for your email. Ex. 7(A)
Ex. 7(A)
Best,
Valerie

From: John Milner <jmilner@brunini.com>
Sent: Tuesday, August 27, 2019 11:45 AM
To: 'Armor, Suzanne' <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: FW: Ex. 7(A)

Suzanne and Valerie,

Ex. 7(A)

Thanks in advance for your updates.

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
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www.brunini.com
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From: John Milner
Sent: Wednesday, July 17, 2019 3:52 PM
To: 'Armor, Suzanne'; Mann, Valerie (ENRD)
Cc: Gene Wasson
Subject: Ex. 7(A)

Suzanne,

Ex. 7(A)

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 8/9/2019 7:42:43 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A) Article

Inside EPA

DOJ Begins Rejecting SEPs In Municipal Settlements, Undercutting Policy

August 08, 2019

AUSTIN, TX -- The Department of Justice (DOJ) is rejecting supplemental environmental projects (SEPs) in settlements it is negotiating with local governmental agencies, a move that appears to undercut department policy that says it will approve the projects as part of deals provided they comply with EPA's SEP policy, attorneys say.

The rejections have begun being communicated over the past month, according to one industry attorney familiar with negotiations in several clean water settlements between DOJ and local governments, coming after years of negotiations where DOJ officials indicated the projects were likely to be approved.

A second source, industry attorney Nathan Vassar, told an Aug. 1 session of the Texas Environmental Superconference here that if attorneys have a SEP to propose as part of a federal settlement, "it will take some real convincing because apparently the ongoing discussions -- and this is more at DOJ than it is at EPA -- are that, 'We're not going to allow SEPs as part of the enforcement protocol.'"

Vassar said this marks a change from past practice, when Trump officials told attorneys representing municipalities that their broader efforts to limit the use of SEPs would not generally apply in settlements involving local government entities. "We were told on several occasions, 'On municipal enforcement, if you like your SEP, you can keep your SEP'," he said.

However, that is no longer the case, Vassar said. "We learned just this week, it may be news to some . . . A SEP as a part of an enforcement mechanism is not going to be pursued as a part of this administration."

A DOJ spokesman denies there has been a policy change, saying all department guidance is being followed and declining to comment on whether new guidance has been issued.

DOJ's "Environment and Natural Resources Division [(ENRD)] is following all current [DOJ] memoranda, including those issued by the Division itself and by the Attorney General," the spokesman says.

The spokesman declined to clarify whether that means SEPs can be approved or if there is a new document prohibiting them.

An EPA spokesman says the agency has not changed its 2015 policy regarding use of SEPs in settlement agreements. But the spokesman noted that former Attorney General Jeff Sessions, in a 2018 policy, had required that "judicial settlements with a state or local entity that include SEPs must first be reviewed and approved by the Associate Attorney General."

The new prohibition on SEPs renews focus on the issue, which has raised concerns in the past. The concern stemmed initially from Sessions' June 2017 memo banning settlements that included payments to third parties. Sessions opposed such payments because the parties were "neither victims nor parties to the lawsuits."

Some GOP lawmakers also complained that such settlements amount to "sweetheart deals" for environmental groups that benefitted from SEPs.

But many attorneys warned at the time that the prohibition would drastically impair their ability to settle EPA-related cases, and they strongly defended SEPs as providing a major incentive for environmental settlements with local both governments and private industry. For example, some municipal officials were concerned that any limitation on the use of SEPs would hamper their efforts to expand the use of SEPs to offset stipulated penalties.

EPA Policy

After the uproar, DOJ's then-acting ENRD chief Jeff Woods in a January 2018 memo clarified exceptions to the payment ban, including for projects that comply with EPA's 2015 SEP policy.

Then, Sessions in a November 2018 policy wrote that settlements with municipal entities that included SEPs had to win approval from the associate attorney general for ENRD.

While the policy barring payments to third parties has been implemented, it faces some legal uncertainty as a federal court in Washington, D.C., has so far declined a DOJ request to drop a SEP from an already approved settlement with Harley Davidson -- more than two years after the request was first made.

Now, industry sources say DOJ is now rejecting approvals of municipal SEPs, raising questions about how to proceed.

"What we are starting to see happen is where we proposed SEPs we thought would be OK, and that everyone indicated were OK, but of course did not have final approval, are now getting rejected," the first industry source says.

DOJ is communicating to these attorneys that the settlements will not be approved if they contain the SEPs, but the source says it is unclear who made the change and why. No one at DOJ "has cited new documents to us," the source says.

It is also unclear whether any of the settling parties will seek to challenge the rejection of the SEPs. "We have to debate, 'Ok do you challenge it and go to higher levels to try to convince [DOJ] why you should be able to do this, or do you just say, 'OK, we're going to put more money in the penalty?'"

These discussions are "just happening now . . . we are engaged in thinking about that right now." The answer will be based on how badly the setting party wants to do the SEP "or whether it can get the case done, pay more money and move on," the source adds. "We have to think about each case and whether it is worth having that fight."

This source has "not had any direct discussions with someone at DOJ or EPA other than being told they are not accepting that SEP."

The attorney notes that including SEPs in local government settlements has "been very valuable" and "helped us get to agreements in situations where municipalities feel very strongly that if they pay money it should go toward the community, and hopefully go to improving water quality for the community, and not get sent to D.C. to go to some federal agency."

City councils are more apt to approve settlements if they include incentives such as SEPs that require tree planting or repairing a sewer line, the source explains. However, it is also unclear, the source notes, whether dropping a SEP at this stage will tank the overarching settlement and result in litigation.

The industry source says when the policies first came out, it appeared they would not restrict SEPs by municipalities unless the governments were paying contractors to do the work, rather than having their own employees do so.

Now, the source says, even if a city employee were to plant trees on private property as part of a SEP, that appears to be prohibited as well, because DOJ "would say you are providing value to that property owner, and that is something you cannot do."

The source adds that if all SEPs are effectively banned, that would "be really unfortunate" because "they helped make it easier to reach agreements and provided real environmental benefits to communities."

The source says it is difficult to identify the universe of threatened SEPs because the Trump DOJ has not initiated many cases, so a lot of the cases being negotiated were started under the Obama administration, continued into Trump "and now we're being told we can't do it."

The source says the policy is less problematic if "it is only the policy for the next year and a half." But if it "lasts into another administration," then it would "affect a lot of cases" and have a "substantial" impact on settlements.

The last case this source was involved with that had a SEP -- which required a city to improve a stream -- was approved by a court in early 2018. -- *Dawn Reeves* (dreeves@iwpnews.com) & *Lee Logan* (llogan@iwpnews.com)

Related News | Litigation | Transition 2016-2017 |
220946

Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 8/8/2019 2:40:30 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]
Subject: RE: draft
Attachments: Ex. 5 AC / Ex. 7(A)

Thanks. Here are my edits and comments for your consideration.

Ex. 5 AC / Ex. 7(A)

-Suzanne

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Thursday, August 8, 2019 8:27 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Re: draft

No — I'd like to send it to the RA tomorrow.

Sent from my iPhone

On Aug 8, 2019, at 7:57 AM, Armor, Suzanne <Armor.Suzanne@epa.gov> wrote:

> I'll work on it first thing today. Is there a specific time you need it back today?
>
> ---
>
> **From:** Palmer, Leif <Palmer.Leif@epa.gov>
> **Sent:** Wednesday, August 7, 2019 6:50 PM
> **To:** Armor, Suzanne <Armor.Suzanne@epa.gov>
> **Subject:** draft
>
> I've only reviewed it once – but would like your thoughts.
>
> Ex. 5 AC/AWP/DP
>
> Leif Palmer
> Regional Counsel
> US EPA Region 4
> 61 Forsyth Street SW
> Atlanta, Georgia 30303
> (404) 562-9542
> (770) 856-2876 (cell)
>
> This email is from an attorney and may contain privileged information and attorney-client communications and should not be released under FOIA or discovery to individuals or entities outside of EPA or the U.S. Department of Justice without the knowledge of the sender.

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 8/7/2019 9:10:44 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: RE: Ex. 7(A)

Thanks for the update!

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, August 07, 2019 9:10 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, August 7, 2019 9:03 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, August 7, 2019 8:55 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

Ex. 6 Personal Privacy (PP)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, July 31, 2019 2:46 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: FW: Ex. 7(A)

FYI. I'll let you know when I hear more. Meeting hasn't been set yet, to the best of my knowledge.

From: Palmer, Leif <Palmer.Leif@epa.gov>
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:

Ex. 5 DP / Ex. 7(A)

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: RE: 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/AWP/DP, 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)

Dear Leif and Mita,

I appreciate having the opportunity to participate in the mini docket review on Wednesday. I was moving in between buildings while in San Francisco (on business) and so couldn't always hear perfectly.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/11/2019 5:34:47 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 7(A)

Sounds good. Enjoy the conference!

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: Armor, Suzanne
Sent: Tuesday, June 11, 2019 1:17 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

We haven't yet. Ex. 7(A) Ex. 7(A) We're all at an ABA conference this week, so I think we can reach out next week to him.

From: Rae, Sarah
Sent: Tuesday, June 11, 2019 12:10 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Ex. 7(A)

Have we set up a call with City to discuss the edits to the Appendices? Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Tuesday, June 11, 2019 10:17 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>

Cc: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Ex. 7(A)

Hi, Sarah –

Ex. 5 AC/AWP/DP I'm at a conference and Ex. 7(A)
Ex. 7(A) Ex. 5 AC/AWP/DP

Thanks,
Suzanne

From: Gonzalez, Sarah
Sent: Monday, June 3, 2019 4:31 PM
To: Bush, William <Bush.William@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Suzanne and Bill,

First, welcome back to enforcement Bill! To clarify, we do not need to submit the signed CD. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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Washington, DC 20004
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gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Please consider the environment before printing this email

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 6/3/2019 5:04:08 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)
Attachments:

See attached.

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Monday, June 3, 2019 1:02 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Can one of you send me a copy of Ex. 7(A)

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Monday, June 03, 2019 9:51 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks for the notes, Valerie. My additions are below in blue, as well.

-Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Friday, May 31, 2019 10:14 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Thursday, May 30, 2019 5:09 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Valerie and Suzanne,

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

I am off tomorrow but I will be back in the office on Monday. Have a good weekend!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 30, 2019 10:23 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Sarah,

Ex. 5 AC/DP

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 15, 2019 2:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

Sarah Gonzalez
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
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gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 1:09 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 15, 2019 12:50 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 6/3/2019 5:01:49 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 7(A)

Can one of you send me a copy of Ex. 7(A)

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Monday, June 03, 2019 9:51 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks for the notes, Valerie. My additions are below in blue, as well.

-Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Friday, May 31, 2019 10:14 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Thursday, May 30, 2019 5:09 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Valerie and Suzanne,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I am off tomorrow but I will be back in the office on Monday. Have a good weekend!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 30, 2019 10:23 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 15, 2019 2:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
1200 Pennsylvania Avenue NW
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(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 1:09 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 15, 2019 12:50 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 6/3/2019 2:25:10 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 7(A)

Thank you Valerie and Suzanne!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Monday, June 03, 2019 9:51 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks for the notes, Valerie. My additions are below in blue, as well.

-Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Friday, May 31, 2019 10:14 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Thursday, May 30, 2019 5:09 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Valerie and Suzanne,

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

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

I am off tomorrow but I will be back in the office on Monday. Have a good weekend!

Sarah Gonzalez
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
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gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 30, 2019 10:23 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Sarah,

Ex. 5 AC/DP

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 15, 2019 2:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

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

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 1:09 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 15, 2019 12:50 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 7/22/2019 7:46:41 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: RE: Ex. 7(A)

I'm available all day Tues.

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Monday, July 22, 2019 3:44 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

I will be at DOJ all day tomorrow prepping for an upcoming hearing for one of my cases. I should be able to sneak away in the afternoon (after 2pm) for a quick check-in on Ex. 7(A)

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: Armor, Suzanne
Sent: Monday, July 22, 2019 3:42 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Tomorrow works for me. How about 10:00 am EST?

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 3:39 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Monday, July 22, 2019 12:17 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

I am available today. My only conflict today is from 2-4pm ET.

Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 11:58 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie & Sarah –

Ex. 5 AC/AWP/DP

I'm free all afternoon. Let me know what works for you.

Thanks,
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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Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 7/22/2019 7:43:28 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: RE: Ex. 7(A)

Sure

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 3:42 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Tomorrow works for me. How about 10:00 am EST?

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 3:39 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

Can we talk tomorrow? Ex. 5 AC/AWP/DP

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Monday, July 22, 2019 12:17 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

I am available today. My only conflict today is from 2-4pm ET.

Ex. 5 AC/AWP/DP

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 11:58 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie & Sarah –

Ex. 5 AC/AWP/DP

I'm free all afternoon. Let me know what works for you.

Thanks,
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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Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 9/24/2019 6:56:14 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 7(A)

Suzanne and Valerie,

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

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: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Friday, September 20, 2019 12:24 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Ex. 7(A)

Thanks, Sarah. Keep us posted!

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Friday, September 20, 2019 11:54 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

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

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, September 19, 2019 4:07 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Thursday, September 19, 2019 3:41 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks, Valerie.

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

Best,
Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, September 16, 2019 10:50 AM
To: jmilner@brunini.com; Gene Wasson <gwasson@brunini.com>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

For your files.

--Valerie Mann

Office Phone
202 616 8756

USPS Address
P.O. Box 7611
Washington, D.C. 20044

FedEx and other Overnight Service Address
4 Constitution Square
150 M Street N.E. room 2.900
Washington, D.C. 20002

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 7/24/2019 4:21:05 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 5 AC / Ex. 7(A)

Thanks for the update Suzanne. I am glad Rosemarie participated in the discussion.

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, July 24, 2019 12:15 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, July 24, 2019 12:00 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

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

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

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

-Suzanne

FW: R4 DOJ Dockets- VTC

Wednesday, July 24, 2019
10:01 AM
Meeting Date: 7/24/2019 10:00 AM
Location: R4-13B-13T90-ORC-Conf-Rm-SNAFC
Link to Outlook Item: *click here*
Invitation Message

-----Original Appointment-----
From: Cameron, Angela
Sent: Monday, June 24, 2019 1:35 PM
To: Cameron, Angela; Hansen, Susan; Rubini, Suzanne; Friedman, Henry (ENRD); Kulpan, Bruce; Kelley, Rosemarie; Hicks, Matt; R4ORC.SPECIALASSISTANT
Cc: Palmer, Leif; Kabler, Lauren
Subject: R4 DOJ Dockets- VTC
When: Wednesday, July 24, 2019 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: R4-13B-13T90-ORC-Conf-Rm-SNAFC

Conference number: Ex. 6 Personal Privacy (PP)

For those in DC, the VTC will be held in DCRoomARS4140VideoConf@epa.gov

Participants

Notes

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

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

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Tuesday, July 23, 2019 1:29 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

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

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 5:07 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks, Valerie.

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

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:34 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Monday, July 22, 2019 12:17 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

I am available today. My only conflict today is from 2-4pm ET.

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

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 11:58 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie & Sarah –

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

I'm free all afternoon. Let me know what works for you.

Thanks,
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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Message

From: Armor, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: 7/31/2019 9:02:35 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: RE: Ex. 7(A)

Can do.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, July 31, 2019 4:51 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, July 31, 2019 3:25 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE Ex. 7(A)

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

Tomorrow, I'm free after 2:30 pm.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, July 31, 2019 2:47 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, July 31, 2019 2:44 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

I left her a voicemail on Monday night, and asked her to call me back.

I think we should go ahead and try to pin down a time for a call tomorrow or Friday (I'll be on a call the rest of the day today starting at 3).

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

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, July 31, 2019 2:41 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 29, 2019 4:12 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Hi, Valerie –

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

Thanks,
Suzanne

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

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Message

From: Bush, William [Bush.William@epa.gov]
Sent: 4/3/2017 9:01:32 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Fentress, Robert [Fentress.Robert@epa.gov]; Baschon, Carol [Baschon.Carol@epa.gov]; Bush, William [Bush.William@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Friday, March 31, 2017 5:45 PM
To: jmilner@brunini.com
Cc: Bush, William <Bush.William@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; L. Zmitrovich Gretchen (GZMITROVICH@mdeq.ms.gov) <GZMITROVICH@mdeq.ms.gov>
Subject: Ex. 7(A)

FOR SETTLEMENT PURPOSES ONLY—CONTAINS FRE 408 MATERIAL

Ex. 7(A)

--Valerie Mann
US DOJ EES
202 616 8756

Message

From: Baschon, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6BA30AFE93EE4E75B548FAFCC4425B50-BASCHON, CAROL]
Sent: 8/15/2018 3:10:08 PM
To: Bush, William [Bush.William@epa.gov]
Subject: RE: Ex. 7(A) do not forward

THANKS! this is great.

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

cb

Carol F. Baschon
Office of Regional Counsel
EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Atlanta telephone: 404-562-9528
Athens telephone: 706-355-8640

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From: Bush, William
Sent: Wednesday, August 15, 2018 10:54 AM
To: Baschon, Carol <Baschon.Carol@epa.gov>
Subject: FW: Ex. 7(A) do not forward

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Monday, June 25, 2018 11:47 AM
To: Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A) / do not forward

Bill,

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)

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

Message

From: Baschon, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6BA30AFE93EE4E75B548FAFCC4425B50-BASCHON, CAROL]
Sent: 9/7/2018 2:58:30 PM
To: Sayre, Dennis [Sayre.Dennis@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject:
Attachments:

Ex. 7(A)

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

cb

Carol F. Baschon
Office of Regional Counsel
EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Atlanta telephone: 404-562-9528
Athens telephone: 706-355-8640

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From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Tuesday, September 04, 2018 2:19 PM
To: Baschon, Carol <Baschon.Carol@epa.gov>
Subject: FW:

Ex. 7(A)

Carol,

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

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

From: Baschon, Carol <Baschon.Carol@epa.gov>
Sent: Tuesday, August 21, 2018 9:38 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

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

cb

Carol F. Baschon
Office of Regional Counsel
EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Atlanta telephone: 404-562-9528
Athens telephone: 706-355-8640

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Message

From: Friedman, Henry (ENRD) [Henry.Friedman@usdoj.gov]
Sent: 7/19/2019 5:11:49 PM
To: Bush, William [Bush.William@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; bill.weinischke@usdoj.gov [Bill.Weinischke@usdoj.gov]; Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)

Bill,

Thanks for the very prompt response. Let me talk to Valerie and Bill W concerning

Ex. 5 AC / Ex. 7(A)

Best,

Henry

From: Bush, William <Bush.William@epa.gov>
Sent: Friday, July 19, 2019 12:34 PM
To: Friedman, Henry (ENRD) <HFriedman@ENRD.USDOJ.GOV>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>; Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Sent: Friday, July 19, 2019 12:01 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; bill.weinischke@usdoj.gov; Jonas, Lori (ENRD) <Lori.Jonas@usdoj.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Dear Leif, Mita and Bill:

Ex. 5 AC / Ex. 7(A)

Thanks much.

Henry cc: Bill, 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

Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 6/26/2019 7:53:21 PM
To: Bush, William [Bush.William@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Janovitz, Sara [Janovitz.Sara@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Hansen, Susan [Hansen.Susan@epa.gov]; Chavez, Araceli [Chavez.Araceli@epa.gov]
CC: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)

Thanks, Bill.

Ex. 5 AC / Ex. 7(A)

From: Bush, William
Sent: Wednesday, June 26, 2019 3:44 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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: 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)

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

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 7/19/2019 1:26:42 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]; Bush, William [Bush.William@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]
Subject: Ex. 7(A)

will do!

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: Armor, Suzanne
Sent: Friday, July 19, 2019 9:24 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: Ex. 7(A)

Thanks, Sarah. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah
Sent: Friday, July 19, 2019 9:14 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Good morning Suzanne,

Ex. 5 DP / Ex. 7(A)

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: Pollins, Mark
Sent: Friday, July 19, 2019 9:07 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Fwd: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

> **From:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Date:** July 19, 2019 at 8:52:50 AM EDT
> **To:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject:** Ex. 7(A)
>
> Leif-
>
> Ex. 5 DP / Ex. 7(A)
>
> Give me a call if you'd like to discuss.
>
> Rosemarie
>
> Regards,
> Rosemarie A. Kelley, Director
> Office of Civil Enforcement
> Office of Enforcement and Compliance Assurance
> 202-564-4014

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 3/22/2018 2:31:55 PM
To: Bush, William [Bush.William@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: ENV_ENFORCEMENT-#2713000-v1-
Ex. 7(A)

Bill,

Ex. 5 DP / Ex. 7(A)

From: Mann, Valerie (ENRD)
Sent: Wednesday, January 10, 2018 10:00 AM
To: 'bush.william@epa.gov' <bush.william@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

Valerie Mann
Trial Attorney
Environmental Enforcement Section
ENRD
US DOJ
202/616-8756

Message

From: Bush, William [Bush.William@epa.gov]
Sent: 7/23/2019 5:10:56 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Bush, William [Bush.William@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne
Sent: Tuesday, July 23, 2019 10:46 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: FW Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

-Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 3:39 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Can we talk tomorrow? Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Monday, July 22, 2019 12:17 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

I am available today. My only conflict today is from 2-4pm ET.

Ex. 5 AC / Ex. 7(A)

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

I am available this aft Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 11:58 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie & Sarah –

Do you all have some time this afternoon to discuss Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I'm free all afternoon. Let me know what works for you.

Thanks,
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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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.

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 11/1/2017 8:13:36 PM
To: Bush, William [Bush.William@epa.gov]
Subject:
Attachments:

Ex. 7(A)

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

From: Mann, Valerie (ENRD)
Sent: Tuesday, April 04, 2017 9:49 AM
To: John Milner <jmilner@brunini.com>
Cc: bush.william@epa.gov; Elliott, Richard <Elliott.Richard@epa.gov>; Fentress Robert (fentress.robert@epa.gov) <fentress.robert@epa.gov>; L. Zmitrovich Gretchen (GZMITROVICH@mdeq.ms.gov) <GZMITROVICH@mdeq.ms.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Message

From: Elliott, Richard [Elliott.Richard@epa.gov]
Sent: 5/9/2017 12:17:55 PM
To: Bush, William [Bush.William@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Sayre, Dennis [Sayre.Dennis@epa.gov]; Fentress, Robert [Fentress.Robert@epa.gov]
Subject: RE: Revised draft response to Valerie for your review

Dennis and I are in the field right now but will make the time for a conference call as needed. We are on central time currently so 10:30 am eastern works better for us.

Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Bush, William
Sent: Monday, May 08, 2017 12:03 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: Revised draft response to Valerie for your review

Thanks, Valerie.

Ex. 5 AC / Ex. 7(A)

We are trying to set up a quick call with them for today or on Wednesday between 10:30 and 3:30. We'll let you know what time and hopefully one of you is available then.

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Monday, May 08, 2017 9:52 AM
To: Bush, William <Bush.William@epa.gov>
Subject: FW: Revised draft response to Valerie for your review

Bill,

Ex. 5 AC / Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Wednesday, May 03, 2017 6:56 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Bush.William@epa.gov
Subject: FW: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

John

From: Shea McNease [mailto:Shea@sd-w.com]
Sent: Wednesday, May 03, 2017 5:16 PM
To: John Milner
Subject: RE: Revised draft response to Valerie for your review

Ex. 7(A)

Ex. 7(A)

I hope that you find this helpful. Let me know if there are any other questions.

Thanks,

Shea E. McNease, P.E.
Project Engineer
shea@sd-w.com

Engineering Progress

301 2nd Ave. | Hattiesburg, MS 39401 | (p) 601.544.1821 | (f) 601.544.0501 | sd-w.com

---

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 4:36 PM
To: Shea McNease <Shea@sd-w.com>
Cc: John Milner <jmilner@brunini.com>
Subject: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me.

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
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Bio / V-Card

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From: John Milner
Sent: Tuesday, May 02, 2017 3:34 PM
To: 'Shea McNease'
Cc: John Milner
Subject: Draft response to Valerie for discussion

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 7/9/2019 4:02:58 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]; Bush, William [Bush.William@epa.gov]
Subject: RE: Ex. 7(A)

Thanks for the update.
AAG is coming our new building for a town hall next Tues.

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Tuesday, July 9, 2019 12:00 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A)

Suzanne and Valerie,

Ex. 5 DP / Ex. 7(A)

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

It is important to think beyond yourself.

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Message

From: John Milner [jmilner@brunini.com]
Sent: 2/8/2017 10:41:27 PM
To: Bush, William [Bush.William@epa.gov]
CC: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Fentress, Robert [Fentress.Robert@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Horsey, Maurice [Horsey.Maurice@epa.gov]; Gretchen Zmitrovich [GZMITROVICH@mdeq.ms.gov]
Subject: Ex. 7(A)

Thanks Bill Ex. 7(A)

Ex. 7(A)

John

Sent from my iPhone

On Feb 8, 2017, at 3:55 PM, Bush, William <Bush.William@epa.gov<mailto:Bush.William@epa.gov>> wrote:

Ex. 7(A)

Ex. 7(A)

John E. Milner
E: jmilner@brunini.com<mailto:jmilner@brunini.com>
P: 601-960-6842 F: 601-960-6902

[http://www.brunini.com/wp-content/uploads/2016/06/BGGH-FullLogo.gif]

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com<http://www.brunini.com/>
Bio<http://www.brunini.com/attorneys-31.html> / V-Card<http://www.brunini.com/vcard-31.vcf>

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Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 3/6/2017 6:21:44 PM
To: Fentress, Robert [Fentress.Robert@epa.gov]
CC: Bush, William [Bush.William@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Fentress, Robert [mailto:Fentress.Robert@epa.gov]
Sent: Monday, March 06, 2017 1:16 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Valerie – Ex. 5 AC / Ex. 7(A)

Robert D. Fentress
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-7023
fentress.robert@epa.gov

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From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Wednesday, January 11, 2017 2:47 PM
To: jmilner@brunini.com
Cc: Bush, William <Bush.William@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mden.ms.gov>; Horsey, Maurice <Horsey.Maurice@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

--Valerie Mann

Message

From: Elliott, Richard [Elliott.Richard@epa.gov]
Sent: 5/22/2017 7:05:47 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]
CC: Bush, William [Bush.William@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Thursday, May 11, 2017 1:51 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Bush, William <Bush.William@epa.gov>

Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Valerie

From: Bush, William [mailto:Bush.William@epa.gov]
Sent: Wednesday, May 03, 2017 10:03 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>; Gretchen_Zmitrovich@deq.state.ms.us

Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 6:22 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>
Cc: Bush, William <Bush.William@epa.gov>

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building
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Message

From: John Milner [jmilner@brunini.com]
Sent: 5/22/2017 6:59:32 PM
To: 'Mann, Valerie (ENRD)' [Valerie.Mann@usdoj.gov]
CC: Bush, William [Bush.William@epa.gov]
Subject: Ex. 7(A)

Ex. 7(A)

John

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Monday, May 22, 2017 1:27 PM
To: John Milner
Cc: Bush, William

Ex. 7(A)

John

Ex. 7(A)

--Valerie

From: Mann, Valerie (ENRD)
Sent: Thursday, May 11, 2017 10:54 AM
To: 'John Milner' <jmilner@brunini.com>
Cc: 'Bush, William' <Bush.William@epa.gov>; jmilner@brunini.com; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>

Ex. 7(A)

Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 6:22 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Bush.William@epa.gov
Subject: Ex. 7(A)

Valerie,

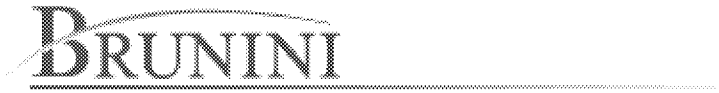
Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902



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Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
Bio / V-Card

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 6/3/2019 9:24:37 PM
To: Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Chavez, Araceli [Chavez.Araceli@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]
Subject: Ex. 7(A)

fyi

From: Gonzalez, Sarah
Sent: Monday, June 3, 2019 4:31 PM
To: Bush, William <Bush.William@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Suzanne and Bill,

First, welcome back to enforcement Bill! Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 7/22/2019 3:35:59 PM
To: Rubini, Suzanne [Rubini.Suzanne@epa.gov]
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

From: Rae, Sarah
Sent: Friday, July 19, 2019 10:25 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Bill,

Ex. 5 AC / Ex. 7(A)

I hope this helps!

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: Bush, William
Sent: Friday, July 19, 2019 10:09 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah
Sent: Friday, July 19, 2019 9:26 AM

To: Bush, William <Bush.William@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Bill,

Sorry I missed your call -I am on another case team call. It is my understanding that Susan has a draft of Jeff's SEP memo and as expected he dug in further in the memo (I have not seen the memo). Rosemarie and Susan met at 5pm yesterday to discuss Jeff's draft SEP memo – Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps!

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: Bush, William
Sent: Friday, July 19, 2019 9:21 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Curious what happened outside the call. See Suzanne's take on the OECA/DOJ call yesterday.

From: Armor, Suzanne
Sent: Friday, July 19, 2019 7:32 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

There is nothing new to report yet. Leif raised those cases, but OECA is still waiting on DOJ's SEP memo.

From: Bush, William
Sent: Thursday, July 18, 2019 5:37 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 5 AC / Ex. 7(A)

From: Palmer, Leif
Sent: Thursday, July 18, 2019 10:14 AM
To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Cc: R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Hello – there is a monthly OCE/DOJ call today from 1:00 to 2:30 where, I hope, we will get an update on SEP issues from DOJ. I've not seen an agenda.

Ex. 6 Personal Privacy (PP) and I will only be able to listen to the first hou Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A)

Can one of you sit in on the call? It is OK to take it from home or at your desk.

I'll just need someone to let me and Susan know if anything profound comes out of it – it is a pretty high level at DOJ (Bruce Gelber) who is above Henry Friedman on the DOJ org chart.

Let me know and I'll forward you the invite. If more than one of you wants to listen to the call that is OK with me.

Leif Palmer
Regional Counsel
US EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303
(404) 562-9542
(770) 856-2876 (cell)

This email is from an attorney and may contain privileged information and attorney-client communications and should not be released under FOIA or discovery to individuals or entities outside of EPA or the U.S. Department of Justice without the knowledge of the sender.

Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 6/3/2019 9:21:38 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)

Yes. Thank you very helpful.

From: Gonzalez, Sarah
Sent: Monday, June 3, 2019 4:31 PM
To: Bush, William <Bush.William@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Suzanne and Bill,

First, welcome back to enforcement Bill! Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 6/3/2019 8:07:19 PM
To: Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]
CC: Bush, William [Bush.William@epa.gov]
Subject: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne
Sent: Monday, June 3, 2019 3:21 PM
To: Bush, William <Bush.William@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>
Subject: FW: Ex. 5 AC / Ex. 7(A)

Per our discussion earlier, see email below from my OECA counterpart Ex. 5 AC / Ex. 7(A)

From: Gonzalez, Sarah
Sent: Thursday, May 30, 2019 5:09 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Valerie and Suzanne,

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

Ex. 5 AC / Ex. 7(A)

I am off tomorrow but I will be back in the office on Monday. Have a good weekend!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 30, 2019 10:23 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Sarah,

Ex. 5 AC/DP

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 15, 2019 2:24 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 1:09 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 15, 2019 12:50 PM

To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 7/19/2019 2:35:50 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

fyi

From: Rae, Sarah
Sent: Friday, July 19, 2019 10:25 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Bill,

Yes I am very familiar – Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps!

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: Bush, William
Sent: Friday, July 19, 2019 10:09 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah
Sent: Friday, July 19, 2019 9:26 AM
To: Bush, William <Bush.William@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Bill,

Sorry I missed your call -I am on another case team call. It is my understanding that Susan has a draft of Jeff's SEP memo and as expected he dug in further in the memo (I have not seen the memo). Rosemarie and Susan met at 5pm yesterday to discuss Jeff's draft SEP memo - Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps!

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: Bush, William
Sent: Friday, July 19, 2019 9:21 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Curious what happened outside the call. See Suzanne's take on the OECA/DOJ call yesterday.

From: Armor, Suzanne
Sent: Friday, July 19, 2019 7:32 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

There is nothing new to report yet. Leif raised those cases, but OECA is still waiting on DOJ's SEP memo.

From: Bush, William
Sent: Thursday, July 18, 2019 5:37 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 5 AC / Ex. 7(A)

From: Palmer, Leif
Sent: Thursday, July 18, 2019 10:14 AM
To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Cc: R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush,

William <Bush.William@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Hello – there is a monthly OCE/DOJ call today from 1:00 to 2:30 where, I hope, we will get an update on SEP issues from DOJ. I've not seen an agenda.

Ex. 6 Personal Privacy (PP) I will only be able to listen to the first hour Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A)

Can one of you sit in on the call? It is OK to take it from home or at your desk.

I'll just need someone to let me and Susan know if anything profound comes out of it – it is a pretty high level at DOJ (Bruce Gelber) who is above Henry Friedman on the DOJ org chart.

Let me know and I'll forward you the invite. If more than one of you wants to listen to the call that is OK with me.

Leif Palmer
Regional Counsel
US EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303
(404) 562-9542
(770) 856-2876 (cell)

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 7/19/2019 1:39:54 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]
CC: Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Bush, William [Bush.William@epa.gov]
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Thanks. What I asked Sarah was what happened after the OECA/DOJ call yesterday at which (as reported by Suzanne) Ex. 7(A)

Ex. 7(A)

Will let you know what she says.

From: Palmer, Leif
Sent: Friday, July 19, 2019 9:32 AM
To: Bush, William <Bush.William@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 7(A)

Sorry Suzanne.

From: Bush, William
Sent: Friday, July 19, 2019 9:31 AM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Explanation from OECA.

From: Rae, Sarah
Sent: Friday, July 19, 2019 9:26 AM
To: Bush, William <Bush.William@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Bill,

Sorry I missed your call -I am on another case team call. It is my understanding that Susan has a draft of Jeff's SEP memo and as expected he dug in further in the memo (I have not seen the memo). Rosemarie and Susan met at 5pm yesterday to discuss Jeff's draft SEP memo – Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

I hope this helps!

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: Bush, William
Sent: Friday, July 19, 2019 9:21 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Curious what happened outside the call. See Suzanne's take on the OECA/DOJ call yesterday.

From: Armor, Suzanne
Sent: Friday, July 19, 2019 7:32 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 5 DP / Ex. 7(A) OECA is still waiting on DOJ's SEP memo.

From: Bush, William
Sent: Thursday, July 18, 2019 5:37 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: OCE/DOJ Monthly Call -- today 1:00 to 2:30

Ex. 7(A)

From: Palmer, Leif
Sent: Thursday, July 18, 2019 10:14 AM
To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Cc: R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: OCE/DOJ Monthly Call -- today 1:00 to 2:30

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Leif Palmer
Regional Counsel
US EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303
(404) 562-9542
(770) 856-2876 (cell)

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 8/8/2019 1:24:10 PM
To: Gordon, Scott [Gordon.Scott@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: FW: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Just an fyi. I was asking HQs help to find the 2005 OECA memo and it generated the below conversation.

From: Bush, William <Bush.William@epa.gov>
Sent: Wednesday, August 7, 2019 6:34 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

What I am saying is that OECA's past position is that in a joint US/State settlement, the penalty in the settlement is the federal penalty - there is not a separate federal penalty and a separate state penalty. The state may get a portion of this federal penalty. And we have said that the federal penalty thus can only mitigated (lowered) by criteria in the EPA SEP Policy – meaning we have to have in the settlement the minimum penalty amount after mitigation (25% or 60% in muni settlements) and that the penalty may only be mitigated by SEPs that meet the federal SEP Policy criteria.
We have told states in the past that they cannot further mitigate (meaning lower) its portion of the federal penalty through a State SEP - otherwise, the settlement wouldn't then contain the minimum penalty amount. And we have said that none of the penalty may be mitigated by a project that is not consistent with the SEP criteria in our policy. However, to provide some flexibility to allow states to accept additional projects, including those not consistent with our SEP Policy, OECA issued that 2005 memo that allows states, if allowed under state law, to take its portion of the federal penalty in the form of a project regardless of whether such project meets our SEP Policy. The rationale for this is that total required federal penalty amount is still set forth in the settlement. See the Chattanooga CD as an example.

If we are now saying that a state can do whatever they want with its share of the federal penalty including further lowering the penalty with state projects, then rules on minimum penalty amounts go out the window and our penalty and SEP Policies would be somewhat meaningless.

Ex. 5 AC / Ex. 7(A)

If this still doesn't make sense, feel free to call me at 404-562-9538.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, August 7, 2019 5:48 PM
To: Bush, William <Bush.William@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Hi Bill and Carol,
It's true that sometimes there are projects that a State under its independent authorities can accept as part of a settlement, which would not work, for one reason or another as a federal SEP. Or, it's a project that the State is interested in accepting, but we are not as keen. States often have more latitude under state law to do various types of projects and sometimes to accept funding to do work into certain state accounts of mechanisms. Once the State has determined that everything is allowable under state law and authority, we just want to make sure that the fact that it is

a State SEP or project, under the state's authority, is made clear in the terms of the settlement documents. I wouldn't characterize these situation as penalty paid in form of a project, but rather as the state's part of the overall relief (e.g., State SEP to be delivered to State , penalty to be paid to state, etc.)
What's the context of this coming up?

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: Bush, William <Bush.William@epa.gov>
Sent: Wednesday, August 07, 2019 5:11 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

From: Bush, William
Sent: Wednesday, August 7, 2019 5:11 PM
To: King, Carol <King.Carol@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

That's it!!

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, August 7, 2019 5:06 PM
To: Bush, William <Bush.William@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Maybe it's covered by the Kaplan/Pollins 2005 memo?

From: King, Carol
Sent: Wednesday, August 07, 2019 5:03 PM
To: Bush, William <Bush.William@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

https://www.epa.gov/enforcement/previous-supplemental-environmental-projects-guidance

I'm looking through EPA's previous SEP guidance (link above), but haven't seen the Walker Smith memo you're asking for yet. Caroline will know more than me about the SEP issues and what our current positions may or may not be.

My recollection is that this issue came up just recently in an Industrial Branch case that was discussed at a WED General with John Fogarty and others. I'll ask Ben if he remembers.

From: Bush, William
Sent: Wednesday, August 07, 2019 4:36 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Paragraph 30 of the Chattanooga CWA CD: Chattanooga shall make payment as directed by the State of fifty percent (50%) of the civil penalty due as follows: Chattanooga shall spend $238,200 on the State Project in accordance with, and as more particularly set forth in, Appendix D of this Consent Decree. TDEC has approved this payment as an appropriate State Project recognizing the value of the project and its potential to positively impact the local environment.

Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 7/19/2019 1:17:00 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: Ex. 7(A)

Hi, Suzanne. Will give you a call in a bit.

From: Palmer, Leif
Sent: Friday, July 19, 2019 9:14 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>
Subject: Fwd: Ex. 7(A)

See below. Rosemarie indicated that this is more about munis and SEPs for now.

Ex. 7(A)

Suzanne A - Ex. 7(A)

Sorry

Sent from my iPhone

Begin forwarded message:

> **From:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Date:** July 19, 2019 at 8:52:50 AM EDT
> **To:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject:** Ex. 7(A)
>
> Leif-
>
> Ex. 5 DP / Ex. 7(A)
>
> Give me a call if you'd like to discuss.
>
> Rosemarie
>
> Regards,
> Rosemarie A. Kelley, Director
> Office of Civil Enforcement
> Office of Enforcement and Compliance Assurance
> 202-564-4014

Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 6/13/2019 9:30:04 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]
CC: Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)

Thanks!
Suzanne, give me a call when you get a chance. 9538. Thanks.

From: Rae, Sarah
Sent: Thursday, June 13, 2019 5:27 PM
To: Bush, William <Bush.William@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Suzanne and Bill,

Ex. 7(A)

Have a good weekend!

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: Bush, William
Sent: Tuesday, June 11, 2019 12:59 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Re: Ex. 7(A)

Thanks!!

Sent from my iPhone

On Jun 11, 2019, at 12:03 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

> Bill,
>
> I just spoke with Rosemarie and she was not sure if Susan's email went out yet. We have put this on the agenda for the weekly with Susan for Thursday afternoon, I hope to have an answer after that meeting!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Bush, William
Sent: Tuesday, June 11, 2019 11:53 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Jun 11, 2019, at 11:46 AM, Bush, William <Bush.William@epa.gov> wrote:

Hi, Sarah. Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Jun 3, 2019, at 4:30 PM, Gonzalez, Sarah <Gonzalez.Sarah@epa.gov> wrote:

Suzanne and Bill,

First, welcome back to enforcement Bill! Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 7/23/2019 5:06:35 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Ex. 7(A)

Hey. Mita will fill you in. Thanks!!

From: Armor, Suzanne
Sent: Tuesday, July 23, 2019 10:46 AM
To: Bush, William <Bush.William@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

-Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 3:39 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Monday, July 22, 2019 12:17 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

I am available today. My only conflict today is from 2-4pm ET.

Ex. 5 AC / Ex. 7(A)

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, July 22, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

I am available this aft Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, July 22, 2019 11:58 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie & Sarah –

Do you all have some time this afternoon Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I'm free all afternoon. Let me know what works for you.

Thanks,
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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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 7/9/2019 6:17:34 PM
To: Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Ammons, Brad [Ammons.Brad@epa.gov]
Subject: Ex. 7(A)

fyi

From: Rae, Sarah
Sent: Tuesday, July 9, 2019 12:00 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A)

Suzanne and Valerie,

I talked with my management today and they reported that Ex. 7(A) Ex. 7(A) Jeff was not on the call, but Bruce G advised Susan that Jeff's memo on SEPs would be finalized next week. Ex. 5 AC / Ex. 7(A) Ex. 5 AC / Ex. 7(A) Until them...we continue to wait. I will let you know as soon as I hear more from my management.

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

It is important to think beyond yourself.

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Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 5/8/2017 6:29:07 PM
To: Fentress, Robert [Fentress.Robert@epa.gov]
CC: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: RE: Revised draft response to Valerie for your review

Ex. 5 AC / Ex. 7(A)

From: Fentress, Robert
Sent: Monday, May 08, 2017 1:51 PM
To: Bush, William <Bush.William@epa.gov>
Cc: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Revised draft response to Valerie for your review

Ex. 5 AC / Ex. 7(A)

Robert D. Fentress
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-7023
fentress.robert@epa.gov

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From: Bush, William
Sent: Monday, May 08, 2017 12:03 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: Revised draft response to Valerie for your review

Thanks, Valerie.

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

We are trying to set up a quick call with them for today or on Wednesday between 10:30 and 3:30. We'll let you know what time and hopefully one of you is available then.

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Monday, May 08, 2017 9:52 AM
To: Bush, William <Bush.William@epa.gov>
Subject: FW: Revised draft response to Valerie for your review

Bill,

Ex. 5 AC / Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Wednesday, May 03, 2017 6:56 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Bush.William@epa.gov
Subject: FW: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

John

From: Shea McNease [mailto:Shea@sd-w.com]
Sent: Wednesday, May 03, 2017 5:16 PM
To: John Milner
Subject: RE: Revised draft response to Valerie for your review

Ex. 7(A)

Ex. 7(A)

I hope that you find this helpful. Let me know if there are any other questions.

Thanks,

Shea E. McNease, P.E.
Project Engineer
shea@sd-w.com

Engineering Progress

301 2nd Ave. | Hattiesburg, MS 39401 | (p) 601.544.1821 | (f) 601.544.0501 | sd-w.com

---

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 4:36 PM
To: Shea McNease <Shea@sd-w.com>
Cc: John Milner <jmilner@brunini.com>
Subject: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me.

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
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From: John Milner
Sent: Tuesday, May 02, 2017 3:34 PM
To: 'Shea McNease'
Cc: John Milner
Subject: Draft response to Valerie for discussion

Ex. 7(A)

e.

Ex. 7(A)

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

Message

From: Bush, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5F0FE888BB4366B1EDBF97C804B882-BUSH, WILLIAM]
Sent: 5/8/2017 3:45:40 PM
To: Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Fentress, Robert [Fentress.Robert@epa.gov]
Subject:
Attachments:

Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Wednesday, May 03, 2017 6:56 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: FW: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

John

From: Shea McNease [mailto:Shea@sd-w.com]
Sent: Wednesday, May 03, 2017 5:16 PM
To: John Milner
Subject: RE: Revised draft response to Valerie for your review

John,

Ex. 7(A)

Thanks,

Shea E. McNease, P.E.
Project Engineer
shea@sd-w.com

Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 4:36 PM
To: Shea McNease <Shea@sd-w.com>
Cc: John Milner <jmilner@brunini.com>
Subject: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
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From: John Milner
Sent: Tuesday, May 02, 2017 3:34 PM
To: 'Shea McNease'
Cc: John Milner
Subject: Draft response to Valerie for discussion

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

Message

From: Castillo, Jairo [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3F584C028B4CA3BC7C72DFAD965BC0-CASTILLO, JAIRO]
Sent: 10/16/2019 10:17:07 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)

Thanks!

Sent from my iPhone

On Oct 16, 2019, at 3:54 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

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: Denton, Loren <Denton.Loren@epa.gov>
Sent: Wednesday, October 16, 2019 3:52 PM
To: Castillo, Jairo <Castillo.Jairo@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Jairo,

Ex. 5 AC / Ex. 7(A)

Loren Denton, Chief
Municipal Branch.
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
Washington, D.C. 20460
Phone: (202) 564-1148

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From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Wednesday, October 16, 2019 3:36 PM
To: Denton, Loren <Denton.Loren@epa.gov>
Cc: Castillo, Jairo <Castillo.Jairo@epa.gov>
Subject: Ex. 7(A)

Loren,

Ex. 5 AC / Ex. 7(A)

Thx.

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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Message

From: Castillo, Jairo [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3F584C028B4CA3BC7C72DFAD965BC0-CASTILLO, JAIRO]
Sent: 10/16/2019 10:16:35 PM
To: Denton, Loren [Denton.Loren@epa.gov]
Subject: Ex. 7(A)

Thanks Loren, for the update.

And Ben, thanks for following up with my inquiry.

All the Best,

Sent from my iPhone

On Oct 16, 2019, at 3:51 PM, Denton, Loren <Denton.Loren@epa.gov> wrote:

Jairo,

Ex. 5 AC / Ex. 7(A)

Loren Denton, Chief
Municipal Branch.
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
Washington, D.C. 20460
Phone: (202) 564-1148

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From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Wednesday, October 16, 2019 3:36 PM
To: Denton, Loren <Denton.Loren@epa.gov>
Cc: Castillo, Jairo <Castillo.Jairo@epa.gov>
Subject: Ex. 7(A)

Loren,

Ex. 5 AC / Ex. 7(A)

Thx.

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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Message

From: Sayre, Dennis [Sayre.Dennis@epa.gov]
Sent: 6/17/2019 6:36:10 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Janovitz, Sara [Janovitz.Sara@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]
Subject: RE: Ex. 7(A)

It's what we do....

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Armor, Suzanne
Sent: Monday, June 17, 2019 2:30 PM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Sayre, Dennis
Sent: Monday, June 17, 2019 1:41 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: RE Ex. 7(A)

Well isn't that special...!

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

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Armor, Suzanne
Sent: Monday, June 17, 2019 10:59 AM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Cc: Janovitz, Sara <Janovitz.Sara@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>; Bush, William <Bush.William@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>
Subject: FW Ex. 7(A)

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

From: Weinischke, Bill (ENRD) <Bill.Weinischke@usdoj.gov>
Sent: Thursday, June 13, 2019 3:35 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: Ex. 7(A)

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

From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Thursday, June 13, 2019 3:20 PM
To: Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

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

From: Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>
Sent: Thursday, June 13, 2019 2:41 PM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: Ex. 5 AC/AWP/DP, Ex. 7(a)

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

From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Thursday, June 13, 2019 2:38 PM
To: Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>
Subject: Re: Ex. 7(A)

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

Sent from my iPhone

On Jun 13, 2019, at 2:34 PM, Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV> wrote:

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

From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Thursday, June 13, 2019 2:32 PM
To: Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>
Subject: Re: Ex. 7(A)

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

Sent from my iPhone

On Jun 13, 2019, at 12:22 PM, Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV> wrote:

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

Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 5/9/2019 2:10:34 PM
To: Elliott, Richard [Elliott.Richard@epa.gov]
CC: Sayre, Dennis [Sayre.Dennis@epa.gov]
Subject: Ex. 7(A)

I think we have what we need for right now. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Elliott, Richard
Sent: Wednesday, May 8, 2019 5:26 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Sayre, Dennis <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A)

Suzanne,

Both Dennis and I are in KY on inspection. We can touch base if you (by phone) have something that you must take care of immediately, otherwise we will be back next week.

Richard Elliott, P.E., PMP
Environmental Engineer

From: Armor, Suzanne
Sent: Wednesday, May 8, 2019 12:51 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)

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

From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:47 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)

Thanks so much Valerie! Ex. 5 AC/AWP/DP, Ex. 7(a)

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

Sarah Gonzalez
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)

gonzalez.sarah@epa.gov

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 08, 2019 12:43 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)

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

--Valerie Mann
US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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This message is intended exclusively for the individual(s) of entity(s) to which it is addressed. This communications 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.

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 2/22/2017 4:04:12 PM
To: Bush, William [Bush.William@epa.gov]
CC: Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Fentress, Robert [Fentress.Robert@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD)
Sent: Tuesday, February 21, 2017 11:56 AM
To: 'Bush, William' <Bush.William@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Bush, William [mailto:Bush.William@epa.gov]
Sent: Tuesday, February 21, 2017 11:47 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks.

From: Bush, William
Sent: Wednesday, February 08, 2017 4:55 PM
To: jmilner@brunini.com; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Horsey, Maurice <Horsey.Maurice@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/18/2019 3:18:06 PM
To: Elliott, Richard [Elliott.Richard@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]
Subject: Ex. 7(A)

I am pretty booked tomorrow, Thursday is free. Call can go ahead with out me if Wednesday works best for everyone else.

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: Elliott, Richard
Sent: Tuesday, June 18, 2019 10:31 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Suzanne,

I will be on leave for 2 weeks starting this Thursday. I am available Wednesday afternoon (morning is booked) but it does not seem like Valarie is.

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Tuesday, June 18, 2019 10:18 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

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Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Dennis & Richard –

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From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
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Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

I can be in on the call (but don't insist on it). When did you want to have it? I'm mostly around but am unavailable most of Friday for work travel.

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Tuesday, June 18, 2019 9:36 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Armor, Suzanne
Sent: Monday, May 20, 2019 11:36 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Sayre, Dennis
Sent: Monday, May 20, 2019 11:00 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

I don't have any 9:00 meeting in my calendar. ??

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Elliott, Richard
Sent: Monday, May 20, 2019 10:44 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Dennis are you sure you are available at 9:00… I thought we had a Section meeting at 9:00 and a mandatory training from 10-11:30? I am available from 1-2pm as well as from 3:00 to 4:00. Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A) Are we having a case team meeting?

Richard Elliott, P.E., PMP
Environmental Engineer

From: Sayre, Dennis
Sent: Monday, May 20, 2019 10:09 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

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From: Armor, Suzanne
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Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Richard & Dennis –

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Elliott, Richard
Sent: Thursday, May 16, 2019 12:57 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 16, 2019 12:42 PM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Dennis,
Ex. 5 AC / Ex. 7(A)
--Valerie

From: Sayre, Dennis <Sayre.Dennis@epa.gov>
Sent: Thursday, May 16, 2019 12:04 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 16, 2019 11:26 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

ow

ed

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD)
Sent: Wednesday, May 15, 2019 5:05 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; L. Zmitrovich Gretchen (GZMITROVICH@mdeq.ms.gov) <GZMITROVICH@mdeq.ms.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: John Milner <jmilner@brunini.com>
Sent: Wednesday, May 15, 2019 4:50 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please provide your comments and guidance after your review. Please feel free to contact me if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
Bio / V-Card

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Message

From: Sayre, Dennis [Sayre.Dennis@epa.gov]
Sent: 6/18/2019 2:47:47 PM
To: Elliott, Richard [Elliott.Richard@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A) I'm slammed tomorrow but I don't need to be on the call.

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Elliott, Richard
Sent: Tuesday, June 18, 2019 10:31 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Suzanne,

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Ex. 5 AC / Ex. 7(A)

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Environmental Engineer

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Subject: Ex. 7(A)

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Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

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Cc: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Armor, Suzanne
Sent: Monday, May 20, 2019 11:36 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: Ex. 7(A)

I'm out until noon tomorrow, and I have another obligation from 3-4 tomorrow afternoon. Can we meet on Wednesday? We can patch Dennis in by phone.

Ex. 5 AC / Ex. 7(A)

From: Sayre, Dennis
Sent: Monday, May 20, 2019 11:00 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

I don't have any 9:00 meeting in my calendar. ??

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Sent: Monday, May 20, 2019 10:44 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject Ex. 7(A)

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Ex. 5 AC / Ex. 7(A) Are we having a case team meeting?

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Environmental Engineer

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Subject: Ex. 7(A)

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Richard & Dennis –

Ex. 5 AC / Ex. 7(A)

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Suzanne

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To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
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Environmental Engineer

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Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Dennis,

Ex. 5 AC / Ex. 7(A)

--Valerie

From: Sayre, Dennis <Sayre.Dennis@epa.gov>
Sent: Thursday, May 16, 2019 12:04 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

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Drinking Water & Wastewater Enforcement Section
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Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD)
Sent: Wednesday, May 15, 2019 5:05 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; L. Zmitrovich Gretchen (GZMITROVICH@mdeq.ms.gov) <GZMITROVICH@mdeq.ms.gov>
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Ex. 5 AC / Ex. 7(A)

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To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
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Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please provide your comments and guidance after your review. Please feel free to contact me if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

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Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 6/18/2019 2:46:21 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]
CC: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)

Let me touch base with John Milner and see what his availability is for tomorrow after 1 pm.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Tuesday, June 18, 2019 10:36 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

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Subject: Ex. 7(A)

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Cc: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Armor, Suzanne
Sent: Monday, May 20, 2019 11:36 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: Ex. 7(A)

I'm out until noon tomorrow, and I have another obligation from 3-4 tomorrow afternoon. Can we meet on Wednesday? We can patch Dennis in by phone.

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Sayre, Dennis
Sent: Monday, May 20, 2019 11:00 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

I don't have any 9:00 meeting in my calendar. ??

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Elliott, Richard
Sent: Monday, May 20, 2019 10:44 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Dennis are you sure you are available at 9:00... I thought we had a Section meeting at 9:00 and a mandatory training from 10-11:30? I am available from 1-2pm as well as from 3:00 to 4:00. Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A) Are we having a case team meeting?

Richard Elliott, P.E., PMP
Environmental Engineer

From: Sayre, Dennis
Sent: Monday, May 20, 2019 10:09 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

I'm available at 9:00, 11:30 and 3:00 tomorrow. I'll be out of the office (teleworking) Wednesday.

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Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Armor, Suzanne
Sent: Monday, May 20, 2019 9:48 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Richard & Dennis –

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Elliott, Richard
Sent: Thursday, May 16, 2019 12:57 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 16, 2019 12:42 PM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Dennis,
Ex. 5 AC / Ex. 7(A)
--Valerie

From: Sayre, Dennis <Sayre.Dennis@epa.gov>
Sent: Thursday, May 16, 2019 12:04 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 16, 2019 11:26 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD)
Sent: Wednesday, May 15, 2019 5:05 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; L. Zmitrovich Gretchen (GZMITROVICH@mdeq.ms.gov) <GZMITROVICH@mdeq.ms.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: John Milner <jmilner@brunini.com>
Sent: Wednesday, May 15, 2019 4:50 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please provide your comments and guidance after your review. Please feel free to contact me if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
Bio / V-Card

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Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 6/18/2019 2:35:41 PM
To: Elliott, Richard [Elliott.Richard@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]
CC: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 7(A)

If you still want to have the call, I can be available Wed aft after 1pm.

From: Elliott, Richard <Elliott.Richard@epa.gov>
Sent: Tuesday, June 18, 2019 10:31 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Suzanne,

I will be on leave for 2 weeks starting this Thursday. I am available Wednesday afternoon (morning is booked) but it does not seem like Valarie is.

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Tuesday, June 18, 2019 10:18 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

I am available Wed morn before 10:30 and Thurs aft after 1pm.

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Tuesday, June 18, 2019 10:14 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Dennis & Richard –

What is your availability this week? Thursday afternoon looks good for me, as does tomorrow morning. Let me know some times, and I'll proposed to John.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Tuesday, June 18, 2019 10:00 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

I can be in on the call (but don't insist on it). When did you want to have it? I'm mostly around but am unavailable most of Friday for work travel.

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Tuesday, June 18, 2019 9:36 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Armor, Suzanne
Sent: Monday, May 20, 2019 11:36 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: Ex. 7(A)

I'm out until noon tomorrow, and I have another obligation from 3-4 tomorrow afternoon. Can we meet on Wednesday? We can patch Dennis in by phone.

Ex. 5 AC / Ex. 7(A)

From: Sayre, Dennis
Sent: Monday, May 20, 2019 11:00 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

I don't have any 9:00 meeting in my calendar. ??

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Elliott, Richard
Sent: Monday, May 20, 2019 10:44 AM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Dennis are you sure you are available at 9:00... I thought we had a Section meeting at 9:00 and a mandatory training from 10-11:30? I am available from 1-2pm as well as from 3:00 to 4:00. Ex. 5 AC / Ex. 7(A) Ex. 5 AC / Ex. 7(A) Are we having a case team meeting?

Richard Elliott, P.E., PMP
Environmental Engineer

From: Sayre, Dennis
Sent: Monday, May 20, 2019 10:09 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

I'm available at 9:00, 11:30 and 3:00 tomorrow. I'll be out of the office (teleworking) Wednesday.

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Armor, Suzanne
Sent: Monday, May 20, 2019 9:48 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Richard & Dennis –

Ex. 5 AC / Ex. 7(A)

Thanks,
Suzanne

From: Elliott, Richard
Sent: Thursday, May 16, 2019 12:57 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne

<Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 16, 2019 12:42 PM
To: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Dennis,

Ex. 5 AC / Ex. 7(A)

--Valerie

From: Sayre, Dennis <Sayre.Dennis@epa.gov>
Sent: Thursday, May 16, 2019 12:04 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Elliott, Richard <Elliott.Richard@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Dennis J. Sayre
Drinking Water & Wastewater Enforcement Section
(404) 562-9756

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, May 16, 2019 11:26 AM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Mann, Valerie (ENRD)
Sent: Wednesday, May 15, 2019 5:05 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; L. Zmitrovich Gretchen (GZMITROVICH@mdeq.ms.gov) <GZMITROVICH@mdeq.ms.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: John Milner <jmilner@brunini.com>
Sent: Wednesday, May 15, 2019 4:50 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please provide your comments and guidance after your review. Please feel free to contact me if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

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Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 5/8/2019 4:49:19 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]
CC: Fentress, Robert [Fentress.Robert@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A) He's out until the end of May, so I can't verify that with him before tomorrow's OECA meeting on this, though.

SUZANNE K. ARMOR I 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

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.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, May 8, 2019 12:43 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)

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

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

--Valerie Mann
US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

Thank you in advance for your help in tracking down this information!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

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

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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 5/8/2019 4:43:12 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]
CC: Fentress, Robert [Fentress.Robert@epa.gov]
Subject: Ex. 7(A)

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

--Valerie Mann
US DOJ EES
202 616 8756

From: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Sent: Wednesday, May 8, 2019 12:04 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
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OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
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gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Wednesday, May 08, 2019 11:34 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Fentress, Robert <Fentress.Robert@epa.gov>
Subject: Ex. 7(A)
Importance: High

Good morning Suzanne and Valerie,

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

I see that both Denis and Richard have out of office messages. I have also CCed Bob Fentress since he was the HQ attorney on this case before I took over.

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Sarah Gonzalez
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Please consider the environment before printing this email

Message

From: Elliott, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F3312FCA56324A0A896ABEFAA0BBC981-ELLIOTT, RICHARD]
Sent: 5/16/2017 7:05:02 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: Ex. 7(A)

Valerie,

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Thursday, May 11, 2017 1:51 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>
Cc: Bush, William <Bush.William@epa.gov>

Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks,
Valerie

From: Bush, William [mailto:Bush.William@epa.gov]
Sent: Wednesday, May 03, 2017 10:03 AM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>; Gretchen_Zmitrovich@deq.state.ms.us

Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 6:22 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A)

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

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Message

From: Elliott, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F3312FCA56324A0A896ABEFAA0BBC981-ELLIOTT, RICHARD]
Sent: 5/9/2017 11:04:30 AM
To: Sayre, Dennis [Sayre.Dennis@epa.gov]
Subject: RE: Revised draft response to Valerie for your review

Ex. 5 AC / Ex. 7(A)

Richard Elliott, P.E., PMP
Environmental Engineer

From: Sayre, Dennis
Sent: Monday, May 08, 2017 4:22 PM
To: Elliott, Richard <Elliott.Richard@epa.gov>
Subject: FW: Revised draft response to Valerie for your review

Ex. 5 AC / Ex. 7(A)

Dennis J. Sayre ¦ Environmental Engineer ¦ Inspector
NPDES Permitting and Enforcement Branch ¦ Municipal & Industrial Enforcement Section
(404) 562-9756

Mailing Address:
EPA - Water Protection Division
Attn: Dennis Sayre
61 Forsyth Street SW, 9T25
Atlanta, Georgia 30303

From: Bush, William
Sent: Monday, May 08, 2017 12:03 PM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Cc: Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: RE: Revised draft response to Valerie for your review

Thanks, Valerie.

Ex. 5 AC / Ex. 7(A)

Richard and Dennis,

Ex. 5 AC / Ex. 7(A)

We are trying to set up a quick call with them for today or on Wednesday between 10:30 and 3:30. We'll let you know what time and hopefully one of you is available then.

From: Mann, Valerie (ENRD) [mailto:Valerie.Mann@usdoj.gov]
Sent: Monday, May 08, 2017 9:52 AM
To: Bush, William <Bush.William@epa.gov>
Subject: FW: Revised draft response to Valerie for your review

Bill,

Ex. 5 AC / Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Wednesday, May 03, 2017 6:56 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Bush.William@epa.gov
Subject: FW: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

John

From: Shea McNease [mailto:Shea@sd-w.com]
Sent: Wednesday, May 03, 2017 5:16 PM
To: John Milner
Subject: RE: Revised draft response to Valerie for your review

John,

Please find my responses to the earlier email request from the DOJ and EPA.

Ex. 7(A)

Ex. 7(A)

I hope that you find this helpful. Let me know if there are any other questions.

Thanks,

Shea E. McNease, P.E.
Project Engineer
shea@sd-w.com

Engineering Progress

301 2nd Ave. | Hattiesburg, MS 39401 | (p) 601.544.1821 | (f) 601.544.0501 | sd-w.com

---

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 4:36 PM
To: Shea McNease <Shea@sd-w.com>
Cc: John Milner <jmilner@brunini.com>
Subject: Revised draft response to Valerie for your review

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me.

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
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From: John Milner
Sent: Tuesday, May 02, 2017 3:34 PM
To: 'Shea McNease'
Cc: John Milner
Subject: Draft response to Valerie for discussion

Ex. 7(A)

Ex. 7(A)

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

Message

From: Elliott, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F3312FCA56324A0A896ABEFAA0BBC981-ELLIOTT, RICHARD]
Sent: 5/4/2017 6:20:04 PM
To: Savre, Dennis [Savre.Dennis@epa.gov]
Subject:
Attachments:

Ex. 7(A)

FYI

Richard Elliott, P.E., PMP
Environmental Engineer

From: Bush, William
Sent: Wednesday, May 03, 2017 10:03 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Gretchen Zmitrovich <GZMITROVICH@mdeq.ms.gov>; Gretchen_Zmitrovich@deq.state.ms.us

Ex. 7(A)

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 6:22 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A)

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

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Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 7/19/2019 4:38:45 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Palmer, Leif
Sent: Friday, July 19, 2019 11:52 AM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Sent from my iPhone

On Jul 19, 2019, at 11:42 AM, Ghosh, Mita <Ghosh.Mita@epa.gov> wrote:

Suzanne,

Ex. 5 AC / Ex. 7(A)

Mita Ghosh
Chief, Office of Water Legal Support
Office of Regional Counel
United States Environmental Protection
Region 4
404-562-9568

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From: Rae, Sarah
Sent: Friday, July 19, 2019 9:14 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>

Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: Ex. 7(A)

Good morning Suzanne,

Ex. 5 DP / Ex. 7(A)

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: Pollins, Mark
Sent: Friday, July 19, 2019 9:07 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

> **From:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Date:** July 19, 2019 at 8:52:50 AM EDT
> **To:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject:** Ex. 7(A)
>
> Leif-
>
> Ex. 5 DP / Ex. 7(A)
>
> Give me a call if you'd like to discuss.
>
> Rosemarie
>
> Regards,
> Rosemarie A. Kelley, Director
> Office of Civil Enforcement
> Office of Enforcement and Compliance Assurance
> 202-564-4014

Message

From: Palmer, Leif [Palmer.Leif@epa.gov]
Sent: 10/7/2019 10:54:15 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
CC: Hansen, Susan [Hansen.Susan@epa.gov]; R4ORC SPECIALASSISTANT [R4ORC.SPECIALASSISTANT@epa.gov]
Subject: Ex. 7(A)

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

From: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Sent: Monday, October 7, 2019 6:51 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Subject: Ex. 7(A)

Dear Leif, Suzanne and Valerie,

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

Thanks very much for your patience.

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

Message

From: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Sent: 5/1/2019 9:02:49 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: RE: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, May 1, 2019 4:59 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE Ex. 7(A)

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

Thanks,
Suzanne

From: John Milner <jmilner@brunini.com>
Sent: Wednesday, May 1, 2019 4:55 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gene Wasson <gwasson@brunini.com>
Subject: Ex. 7(A)

Valerie and Suzanne,

Ex. 7(A)

Ex. 7(A)

Please let me know if you have any questions. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

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Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 4/24/2019 8:42:39 PM
To: Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: Ex. 7(A)

Thank you.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, April 24, 2019 4:41 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Ex. 7(A)

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

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, April 24, 2019 4:33 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Ex. 7(A)

Hi, Valerie –

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

Thanks,
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: Palmer, Leif[Palmer.Leif@epa.gov]; Hansen, Susan[Hansen.Susan@epa.gov]; Ghosh, Mita[Ghosh.Mita@epa.gov]; R4ORC.SPECIALASSISTANT[R4ORC.SPECIALASSISTANT@epa.gov]; Rubini, Suzanne[Rubini.Suzanne@epa.gov]; Gordon, Scott[Gordon.Scott@epa.gov]
Cc: Bragan, Mary Jo[Bragan.Maryjo@epa.gov]; Castillo, Jairo[Castillo.Jairo@epa.gov]; Rae, Sarah[Rae.Sarah@epa.gov]; Elliott, Richard[Elliott.Richard@epa.gov]; Sayre, Dennis[Sayre.Dennis@epa.gov]; Janovitz, Sara[Janovitz.Sara@epa.gov]; O'Lone, Dan[Olone.Dan@epa.gov]; Beckwith, Natalie[Beckwith.Natalie@epa.gov]; Hicks, Matt[Hicks.Matthew@epa.gov]; Johnson, Patrick[johnson.patrick@epa.gov]; Nagrani, Kavita[Nagrani.Kavita@epa.gov]; Schwartz, Paul[Schwartz.Paul@epa.gov]; Smith, Stephen[Smith.Stephen@epa.gov]; Stopper, Nathan[stopper.nathan@epa.gov]; Wetherington, Michele[Wetherington.Michele@epa.gov]
From: Armor, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=357FFF925F824E58A28F6D7B6340E1B2-ARMOR, SUZANNE]
Sent: Wed 8/21/2019 5:51:28 PM (UTC)
Subject: FW: Ex. 7(A) AAG memo on using SEPs in settlements with state and local governments
enrd_state_and_local_sep_memo_public_8_21_19.pdf

FYI, in case you haven't seen this yet.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, August 21, 2019 1:40 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A) AAG memo on using SEPs in settlements with state and local governments

Please see the attached memo from the AAG, posted on the ENRD website today,
https://www.justice.gov/enrd/selected-documents\
concerning the use of SEPs in settlements with state and local governments.

Message

From: Rubini, Suzanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BD777D6AB434A339122BFDD62491D0C-RUBINI, SUZANNE]
Sent: 6/14/2019 12:55:13 PM
To: Bush, William [Bush.William@epa.gov]
CC: Gordon, Scott [Gordon.Scott@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]
Subject: Ex. 7(A)

Thanks Bill.

Sent from my iPhone

On Jun 3, 2019, at 5:23 PM, Bush, William <Bush.William@epa.gov> wrote:

Ex. 5 DP / Ex. 7(A)

From: Gonzalez, Sarah
Sent: Monday, June 3, 2019 4:31 PM
To: Bush, William <Bush.William@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Suzanne and Bill,

First, welcome back to enforcement Bill! Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Please consider the environment before printing this email

Message

From: Bragan, Mary Jo [Bragan.Maryjo@epa.gov]
Sent: 5/15/2019 9:39:15 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
CC: Sayre, Dennis [Sayre.Dennis@epa.gov]; Elliott, Richard [Elliott.Richard@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Stopper, Nathan [stopper.nathan@epa.gov]
Subject: RE: NPDES Compliance & Enforcement Managers' Call Notes

Sarah and Suzanne –

I can give you the details on what was discussed on the call today. During the call, Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

If you have any additional questions, please feel free to contact me directly.

Thanks –
Mary Jo
404-562-9275

From: Chavez, Araceli
Sent: Wednesday, May 15, 2019 4:49 PM
To: Bragan, Mary Jo <Bragan.Maryjo@epa.gov>
Subject: FW: NPDES Compliance & Enforcement Managers' Call Notes
Importance: High

Ex. 5 AC / Ex. 7(A)

Thank you,

Araceli Chavez
Acting Chief, Drinking Water & Wastewater Section
Water Enforcement Branch
Enforcement and Compliance Assurance Division
USEPA-Region 4
61 Forsyth Street, 15th Floor
Atlanta, GA 30303
404-562-9790
chavez.araceli@epa.gov

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From: Gonzalez, Sarah
Sent: Wednesday, May 15, 2019 4:39 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>
Subject: RE: NPDES Compliance & Enforcement Managers' Call Notes

Thanks Suzanne, I will ask Loren about this discussion.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 4:33 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Sayre, Dennis <Sayre.Dennis@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>
Subject: FW: NPDES Compliance & Enforcement Managers' Call Notes

FYI – Ex. 5 AC / Ex. 7(A) I was not on the call, so I don't know what was said other than what Nate's notes indicate.

From: Stopper, Nathan
Sent: Wednesday, May 15, 2019 3:11 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: NPDES Compliance & Enforcement Managers' Call Notes

Mary Jo and Loren Denton, I think.

From: Armor, Suzanne
Sent: Wednesday, May 15, 2019 3:04 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Subject: RE: NPDES Compliance & Enforcement Managers' Call Notes

Thanks, Nate. Who from OECA or the Region talked about Ex. 7(A) (Just curious).

From: Stopper, Nathan
Sent: Wednesday, May 15, 2019 3:01 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Wetherington, Michele <Wetherington.Michele@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Beckwith, Natalie

<Beckwith.Natalie@epa.gov>; Johnson, Patrick <johnson.patrick@epa.gov>; Stopper, Nathan <stopper.nathan@epa.gov>
Subject: NPDES Compliance & Enforcement Managers' Call Notes

My notes from today's call:

1. SNC NCI Update
    - Report out on Atlanta conference – EPA/State conference was held in Atlanta, someone from each region and 16 states attended. Sounds like it was successful.
    - Request to participate in Regions' annual meetings with states – HQ wants to send someone down to each Region's annual meeting.
    - There was an overview of the attached draft "Priority Approaches" paper. It's very much still in draft form.
2. PWSS/NPDES national meetings – Week of Sept 9th in Region 2.
3. Consent Decree Modifications – OECA is discussing a standard CD modification template with DOJ now. Hoping to get a draft out by September.
4. Consent Decrees and SEPs - OECA is also hoping to get additional info from DOJ regarding the effects of the Sessions memo and the feasibility of SEPs. HQ is working hard on getting CDs through DOJ Ex. 7(A) Ex. 7(A) but everything is day to day now, especially when there are SEPs. Ex. 5 DP / Ex. 7(A) Ex. 5 DP / Ex. 7(A) Ex. 5 DP / Ex. 7(A)

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
Phone: (404) 562-9581
Fax: (404) 562-9487

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Message

From: Bush, William [Bush.William@epa.gov]
Sent: 5/8/2017 3:43:20 PM
To: Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Fentress, Robert [Fentress.Robert@epa.gov]
Subject: Ex. 7(A)
Attachments:

From: John Milner [mailto:jmilner@brunini.com]
Sent: Tuesday, May 02, 2017 6:22 PM
To: 'Mann, Valerie (ENRD)' <Valerie.Mann@usdoj.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: Ex. 7(A)

Valerie,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

If you have any questions concerning this message or the attachments, please feel free to contact me. Thanks

John

John E. Milner
E: jmilner@brunini.com
P: 601-960-6842 F: 601-960-6902

BRUNINI

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building
190 East Capitol St, Suite 100, Jackson, MS 39201
Post Office Drawer 119, Jackson, MS 39205

www.brunini.com
Bio / V-Card

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Message

From: Bragan, Mary Jo [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=860D1A46EC2349858C5588B0AF12E1F3-BRAGAN, MARY]
Sent: 6/13/2019 9:39:07 PM
To: Bush, William [Bush.William@epa.gov]
Subject: Ex. 7(A)

Thanks. I'll keep my fingers crossed.

From: Bush, William
Sent: Thursday, June 13, 2019 5:29 PM
To: Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Fyi – update from OECA. Hopefully we'll hear soon.

From: Rae, Sarah
Sent: Thursday, June 13, 2019 5:27 PM
To: Bush, William <Bush.William@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Suzanne and Bill,

We just spoke with Susan and she plans to put this on Monday agenda for her meeting with Jeff Clark to discuss. Both Loren and I emphasized the need to have an answer/path forward. I will let you know as soon as I hear more.

Have a good weekend!

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: Bush, William
Sent: Tuesday, June 11, 2019 12:59 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A)

Thanks!!

Sent from my iPhone

On Jun 11, 2019, at 12:03 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

Bill,

I just spoke with Rosemarie and she was not sure if Susan's email went out yet. We have put this on the agenda for the weekly with Susan for Thursday afternoon, I hope to have an answer after that meeting!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Bush, William
Sent: Tuesday, June 11, 2019 11:53 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Suzanne and I just ran into the atty for Ex. 7(A)
Ex. 7(A)

Sent from my iPhone

On Jun 11, 2019, at 11:46 AM, Bush, William <Bush.William@epa.gov> wrote:

Hi, Sarah. Did the email to DOJ go out? Any other update?

Sent from my iPhone

On Jun 3, 2019, at 4:30 PM, Gonzalez, Sarah <Gonzalez.Sarah@epa.gov> wrote:

Suzanne and Bill,

First, welcome back to enforcement Bill! Ex. 7(A)
Ex. 7(A)
Ex. 7(A) Susan plans to send an email to DOJ management as a follow-up to the in-person meeting last week. Since DOJ management seemed potentially open to the idea of "grandfathering" some SEPs where the cases are final/near final, the email will include detailed information and justifications Ex. 7(A)
Ex. 7(A) Ex. 5 AC / Ex. 7(A)
Ex. 5 AC / Ex. 7(A)

I hope this helps clarify. Give me a call if you have any further questions!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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gonzalez.sarah@epa.gov

It is important to think beyond yourself.

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Please consider the environment before printing this email

Message

From: Prichard, Gary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6642746B4287469B99C71A23DEAA882D-GPRICHAR]
Sent: 7/20/2017 12:38:14 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Subject: Re: Ex. 7(A)

Ex. 5: DP, AC, AWP

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Thursday, July 20, 2017 7:16:22 AM
To: Prichard, Gary
Subject: Automatic reply: Ex. 7(A)

I will be out of the office on work travel Thursday, July 20, through Monday, July 24. I will be checking email periodically.

Thanks,
Nick

Message

From: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Sent: 7/11/2017 3:56:30 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
CC: Prichard, Gary [prichard.gary@epa.gov]
Subject: RE: Middletown - Next Steps

Hi Sarah – I haven't heard anything, so I'll send a follow-up email today.

Nick

From: Gonzalez, Sarah [mailto:Gonzalez.Sarah@epa.gov]
Sent: Tuesday, July 11, 2017 11:01 AM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>
Cc: Prichard, Gary <prichard.gary@epa.gov>
Subject: RE: Middletown - Next Steps

Good morning Nick,

Have we heard back from Vince re meeting location?

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Thursday, July 06, 2017 11:12 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Robert.Darnell@USDOJ.GOV; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: RE: Middletown - Next Steps

Vince,

DOJ and EPA are able to meet on July 24th. We would prefer to have this meeting at EPA's Region 5 offices in Chicago, if possible. Let me know if that works for the City.

I think this should be a broader meeting, so that we can address any and all practical/technical questions that might come up as well. But it may be a good idea to have a lawyers-only call prior to the meeting – we may be able to resolve a few of the more legal issues, and at the very least we can identify the remaining issues prior to the settlement meeting. Are you, Andrew, and Les available Wednesday, July 19, at 3 pm eastern?

Thanks,
Nick

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Tuesday, June 27, 2017 6:59 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: RE: Middletown - Next Steps

Nick:

The City is available to meet on either July 24th or 25th. Are you contemplating that the meeting will be limited to attorneys only, as we have discussed in the past, or a broader meeting?

We continue to work on a proposed SEP and penalty counteroffer. We have a good candidate project in the Hydraulic Canal, but there are still some technical questions we still need to work though. We are making progress and should have some more specifics for you within the next couple of weeks.

Please let us know if these proposed meeting dates will work for your side. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
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Squire Patton Boggs (US) LLP
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T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Sunday, June 18, 2017 7:44 PM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Next Steps

Vince, Andrew, and Les,

Thanks for sharing the redlines and the information from Brown and Caldwell on the pipe replacement and rehabilitation. We're reviewing now, and we'll let you know if we have any questions or issues as they come up. I wanted to touch base about two things:

1. **Civil Penalty and Potential SEP(s)** – Do you know when the City will be able to provide a penalty counter-offer, potentially along with information about possible SEPs?
2. **In-Person Meeting** – I think Les has mentioned a couple times before, and we agree, that a full-day in-person meeting to hash out the remaining issues would be beneficial. The governments believe we are at that point – we know there are still areas of disagreement, but we think we can reach agreement on those issues if we spend some time talking through them in-person. To that end, is the City available for an all-day settlement meeting sometime the week of July 24?

Thanks again, and let me know if there's anything you'd like to discuss.

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---
46 Offices in 21 Countries

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#US

Message

From: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Sent: 11/16/2017 9:24:45 PM
To: Prichard, Gary [prichard.gary@epa.gov]
Subject: Re: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

Sent from my iPhone

On Nov 16, 2017, at 3:48 PM, Prichard, Gary <prichard.gary@epa.gov> wrote:

Ex. 5: DP, AC, AWP

Thanks,

Gary

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 2:28 PM
To: Prichard, Gary
Cc: Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

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: Prichard, Gary
Sent: Thursday, November 16, 2017 2:43 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

Ex. 5: DP, AC, AWP

Gary

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 1:08:17 PM
To: Prichard, Gary
Cc: Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

Sent from my iPhone

On Nov 16, 2017, at 1:14 PM, Prichard, Gary <prichard.gary@epa.gov> wrote:

Ex. 5: DP, AC, AWP

From: Prichard, Gary
Sent: Thursday, November 16, 2017 12:12:09 PM
To: Makepeace, Caroline; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 12:01:13 PM
To: Prichard, Gary; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

Gary and Sarah et al. –

Ex. 5: DP, AC, AWP

Ex. 5: DP, AC, AWP

Ex. 5: DP, AC, AWP

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: Prichard, Gary
Sent: Wednesday, November 15, 2017 6:37 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

Thanks,

Gary Prichard

Associate Regional Counsel

(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

Sarah Gonzalez

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)

gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

Ex. 5: DP, AC, AWP

Sarah Gonzalez

Attorney-Adviser

United States Environmental Protection Agency

OECA - OCE - Water Enforcement Division

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1200 Pennsylvania Avenue NW

Washington, DC 20004

(202) 564-2841 (FAX 202-564-0018)

gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5: DP, AC, AWP

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: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5: DP, AC, AWP

Ex. 5: DP, AC, AWP

Ex. 5: DP, AC, AWP

Sarah Gonzalez

Attorney-Adviser

United States Environmental Protection Agency

OECA - OCE - Water Enforcement Division

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1200 Pennsylvania Avenue NW

Washington, DC 20004

(202) 564-2841 (FAX 202-564-0018)

gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5: DP, AC, AWP

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: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5: DP, AC, AWP

Sarah Gonzalez

Attorney-Adviser

United States Environmental Protection Agency

OECA - OCE - Water Enforcement Division

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1200 Pennsylvania Avenue NW

Washington, DC 20004

(202) 564-2841 (FAX 202-564-0018)

gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez

Attorney-Adviser

United States Environmental Protection Agency

OECA - OCE - Water Enforcement Division

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1200 Pennsylvania Avenue NW

Washington, DC 20004

(202) 564-2841 (FAX 202-564-0018)

gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5: DP, AC, AWP

Ex. 5: DP, AC, AWP

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez

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)

gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5: DP, AC, AWP

Thank you in advance,

Sarah Gonzalez

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)

gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

<image001.jpg>

Vincent Atriano

Partner

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2000 Huntington Center

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Columbus, Ohio 43215

T +1 614 365 2783

O +1 614 365 2700

F +1 614 365 2499

M +1 614 579 4708

vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.

- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,

Nick

Nicholas A. McDaniel

Trial Attorney

Environmental Enforcement Section

Environment and Natural Resources Division

United States Department of Justice

P.O. Box 7611, Washington DC 20044

(202) 514-0096

Nicholas.A.McDaniel@usdoj.gov

---

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Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 7/6/2017 3:09:49 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Klingenstein, Mark J. [MARK.J.KLINGENSTEIN@leidos.com]; Prichard, Gary [prichard.gary@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]; Moody, Jonathan [moody.jonathan@epa.gov]; Robert.Darnell@USDOJ.GOV
Subject: RE: Middletown - Next Steps

Sounds good. Thanks Nick.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

-----Original Message-----
From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Thursday, July 06, 2017 11:06 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Klingenstein, Mark J. <MARK.J.KLINGENSTEIN@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV
Subject: RE: Middletown - Next Steps

Hi Sarah - I'm sure the City is expecting to meet in Middletown, but I can check to see what they say. If they prefer to meet in Ohio, I think we should just do that.

Nick

-----Original Message-----
From: Gonzalez, Sarah [mailto:Gonzalez.Sarah@epa.gov]
Sent: Thursday, July 06, 2017 9:51 AM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Klingenstein, Mark J. <MARK.J.KLINGENSTEIN@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>
Subject: RE: Middletown - Next Steps

Nick,

Can we meet in Chicago since we went to Middletown last time? Or has the City requested to meet in Middletown?

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

-----Original Message-----
From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, July 05, 2017 6:45 PM
To: Klingenstein, Mark J. <MARK.J.KLINGENSTEIN@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV
Subject: RE: Middletown - Next Steps

If there aren't any objections, let's plan on an all-day meeting Monday, July 24. I'll email Middletown tomorrow.

-----Original Message-----
From: Klingenstein, Mark J. [mailto:MARK.J.KLINGENSTEIN@leidos.com]
Sent: Wednesday, June 28, 2017 5:42 PM

To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Gary Prichard <prichard.gary@epa.gov>; Sarah Gonzalez <Gonzalez.Sarah@epa.gov>; valdes.carla@epa.gov; Jonathan Moody <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>
Subject: RE: Middletown - Next Steps

Nick,

Both dates are fine for me.

Mark J. Klingenstein, P.E. | Leidos
Senior Environmental Engineer, Project Manager | Engineering & Technical Solutions Division
phone: 973-343-0907 | fax 973-366-4552|mobile: 201-233-4330 | email: mark.j.klingenstein@leidos.com
Leidos, 356 Ninth Avenue, Suite 106, Picatinny Arsenal, Dover, NJ 07801 www.leidos.com I
leidos.com/infrastructure

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-----Original Message-----
From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, June 28, 2017 12:42 PM
To: Gary Prichard; Sarah Gonzalez; valdes.carla@epa.gov; Jonathan Moody; Darnell, Robert (ENRD); Klingenstein, Mark J.
Subject: EXTERNAL: Fwd: Middletown - Next Steps

See below for an email from Vince with proposed meeting dates. Let me know if you can make either or both of these days work.

I'm going to cancel our afternoon call today, but we'll check in soon.

Thanks!
Nick

Begin forwarded message:

From: "Atriano, Vincent" <vincent.atriano@squirepb.com<mailto:vincent.atriano@squirepb.com>>
Date: June 27, 2017 at 6:58:52 PM EDT
To: "McDaniel, Nicholas A. (ENRD)" <Nicholas.A.McDaniel@usdoj.gov<mailto:Nicholas.A.McDaniel@usdoj.gov>>, "Landen, Les (lesl@cityofmiddletown.org<mailto:lesl@cityofmiddletown.org>)" <lesl@cityofmiddletown.org<mailto:lesl@cityofmiddletown.org>>, "Etter, Andrew" <andrew.etter@squirepb.com<mailto:andrew.etter@squirepb.com>>
Cc: "Prichard, Gary" <prichard.gary@epa.gov<mailto:prichard.gary@epa.gov>>, "Darnell, Robert (ENRD)" <Robert.Darnell@usdoj.gov<mailto:Robert.Darnell@usdoj.gov>>, "'Gonzalez, Sarah'" <Gonzalez.Sarah@epa.gov<mailto:Gonzalez.Sarah@epa.gov>>, "Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov<mailto:lawrence.helkowski@ohioattorneygeneral.gov>)" <lawrence.helkowski@ohioattorneygeneral.gov<mailto:lawrence.helkowski@ohioattorneygeneral.gov>>
Subject: RE: Middletown - Next Steps

Nick:

The City is available to meet on either July 24th or 25th. Are you contemplating that the meeting will be limited to attorneys only, as we have discussed in the past, or a broader meeting?

We continue to work on a proposed SEP and penalty counteroffer. We have a good candidate project in the Hydraulic Canal, but there are still some technical questions we still need to work though. We are making progress and should have some more specifics for you within the next couple of weeks.

Please let us know if these proposed meeting dates will work for your side. Thanks.

Vince

[Squire Patton Boggs]

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708

vincent.atriano@squirepb.com<mailto:vincent.atriano@squirepb.com> |
squirepattonboggs.com<http://www.squirepattonboggs.com>

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Sunday, June 18, 2017 7:44 PM
To: Atriano, Vincent <vincent.atriano@squirepb.com<mailto:vincent.atriano@squirepb.com>>; Landen, Les (lesl@cityofmiddletown.org<mailto:lesl@cityofmiddletown.org>)
<lesl@cityofmiddletown.org<mailto:lesl@cityofmiddletown.org>>; Etter, Andrew
<andrew.etter@squirepb.com<mailto:andrew.etter@squirepb.com>>
Cc: Prichard, Gary <prichard.gary@epa.gov<mailto:prichard.gary@epa.gov>>; Darnell, Robert (ENRD)
<Robert.Darnell@usdoj.gov<mailto:Robert.Darnell@usdoj.gov>>; 'Gonzalez, Sarah'
<Gonzalez.Sarah@epa.gov<mailto:Gonzalez.Sarah@epa.gov>>; Helkowski Scott
(lawrence.helkowski@ohioattorneygeneral.gov<mailto:lawrence.helkowski@ohioattorneygeneral.gov>)
<lawrence.helkowski@ohioattorneygeneral.gov<mailto:lawrence.helkowski@ohioattorneygeneral.gov>>
Subject: Middletown - Next Steps

Vince, Andrew, and Les,

Thanks for sharing the redlines and the information from Brown and Caldwell on the pipe replacement and rehabilitation. We're reviewing now, and we'll let you know if we have any questions or issues as they come up. I wanted to touch base about two things:

1. Civil Penalty and Potential SEP(s) - Do you know when the City will be able to provide a penalty counter-offer, potentially along with information about possible SEPs?
2. In-Person Meeting - I think Les has mentioned a couple times before, and we agree, that a full-day in-person meeting to hash out the remaining issues would be beneficial. The governments believe we are at that point - we know there are still areas of disagreement, but we think we can reach agreement on those issues if we spend some time talking through them in-person. To that end, is the City available for an all-day settlement meeting sometime the week of July 24?

Thanks again, and let me know if there's anything you'd like to discuss.

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division United States Department of Justice P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov<mailto:Nicholas.A.McDaniel@usdoj.gov>

---
46 Offices in 21 Countries

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Message

From: Atriano, Vincent [vincent.atriano@squirepb.com]
Sent: 12/18/2017 1:28:05 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
CC: Prichard, Gary [prichard.gary@epa.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Robert.Darnell@USDOJ.GOV; Etter, Andrew [andrew.etter@squirepb.com]
Subject: Re: Middletown CD

Thank you, Nick. We will wait to receive your updated draft.

Vince

Sent from my Verizon LG Smartphone

------ Original message------
From: McDaniel, Nicholas A. (ENRD)
Date: Sun, Dec 17, 2017 9:14 PM
To: Atriano, Vincent;
Cc: Prichard, Gary;Gonzalez, Sarah;Darnell, Robert (ENRD);Etter, Andrew;
Subject: Re: Middletown CD

Vince and Andrew,

Thanks for sharing the updated attachment - I believe this works for us.

I spoke to Scott on Friday, and it is my understanding that the State is on board with the CD, penalty, and SEP. I had hoped to send you an updated, clean CD draft by now, but that's been slowed down a bit because the State has expressed a preference to be listed as a defendant in the Consent Decree, and then move to realign after lodging of the Decree. This is apparently how it's been done in recent cases such as Akron and Cleveland Heights.

I'm hoping to get you a draft as early as possible tomorrow, so that it can be shared with the City.

Nick

On Dec 13, 2017, at 3:52 PM, Atriano, Vincent <vincent.atriano@squirepb.com> wrote:

INADMISSIBLE SETTLEMENT COMMUNICATION

Thank you, Nick. The wording changes in your email (item 2 below) are still under review by the City's team, but I do not expect them to be problematic.

As for item 1 below, attached is a revised construction schedule (Appdx. C) with specific dates tied to 1/1/18. Please let me know if it is acceptable. Thanks.

Vince

<image001.jpg> Vincent Atriano
Partner

Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, December 13, 2017 11:38 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>
Subject: Middletown CD

Vince and Andrew,

Thanks for talking with me yesterday afternoon. As I mentioned, we're hoping to send you a cleaned-up draft of the CD by Friday, but I flagged two things that I wanted to bring to your attention:

1. We need to update the construction schedule attachment, with the timeline tied to January 1, 2018 – It's my understanding that Brown and Caldwell will be working on this.
2. Two small language changes to Paragraph 87: "…Defendant's request for modification may be based, among other things, on: (a) integrated planning elements developed in accordance with U.S. EPA's Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued on June 5, 2012; or (b) a current ~~updated~~ Financial Capability Assessment, which may include additional financial information (per U.S. EPA's Financial Capability Assessment Framework, issued on November 24, 2014).

Thanks, and let me know if there's anything you want to discuss in the next couple days.

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---

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<Appdx C Constr Sched.pdf>

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 11/16/2017 6:36:01 PM
To: Prichard, Gary [prichard.gary@epa.gov]
CC: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Robert.Darnell@USDOJ.GOV; Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
Subject: Re: Middletown - Updated SEP Summary

Sounds good, will look out for your rewrite. Thanks!

Sent from my iPhone

On Nov 16, 2017, at 1:12 PM, Prichard, Gary <prichard.gary@epa.gov> wrote:

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 12:01:13 PM
To: Prichard, Gary; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

Gary and Sarah et al. –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Prichard, Gary
Sent: Wednesday, November 15, 2017 6:37 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary Prichard
Associate Regional Counsel
(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

here is the latest from Caroline (our SEP person).

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement

US Environmental Protection Agency
202-564-6012

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From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -
This is very helpful, and thanks for putting it together.

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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

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From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

<image001.jpg>

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499

M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A). Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

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Message

From: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Sent: 11/16/2017 6:29:26 PM
To: Prichard, Gary [prichard.gary@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Robert.Darnell@USDOJ.GOV; Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Thursday, November 16, 2017 1:14 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Prichard, Gary
Sent: Thursday, November 16, 2017 12:12:09 PM
To: Makepeace, Caroline; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 12:01:13 PM
To: Prichard, Gary; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

Gary and Sarah et al. –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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

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From: Prichard, Gary
Sent: Wednesday, November 15, 2017 6:37 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary Prichard
Associate Regional Counsel
(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

here is the latest from Caroline (our SEP person).

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -
This is very helpful, and thanks for putting it together.

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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

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From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez

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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff

Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS
Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center

41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---
46 Offices in 20 Countries

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#US

Message

From: Valdes, Carla [valdes.carla@epa.gov]
Sent: 6/28/2017 5:16:18 PM
To: Moody, Jonathan [moody.jonathan@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
CC: Prichard, Gary [prichard.gary@epa.gov]
Subject: RE: Middletown - Next Steps

I am available that week, but let me check with my supervisor first before I commit.

From: Moody, Jonathan
Sent: Wednesday, June 28, 2017 12:02 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Valdes, Carla <valdes.carla@epa.gov>; Prichard, Gary <prichard.gary@epa.gov>
Subject: RE: Middletown - Next Steps

I can't do the week of the 24th, I'm not sure it is necessary for me to be there at this point, much of the technical issues have been worked through, and the SEP should not be too controversial. This maybe an opportunity for Carla to come out if she is available.

Jonathan Moody, PE
Tel: (440) 250-1708
ENFORCEMENT CONFIDENTIAL/FOIA EXEMPT

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, June 28, 2017 12:42 PM
To: Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV; Mark Klingenstein <mark.j.klingenstein@leidos.com>
Subject: Fwd: Middletown - Next Steps

See below for an email from Vince with proposed meeting dates. Let me know if you can make either or both of these days work.

I'm going to cancel our afternoon call today, but we'll check in soon.

Thanks!
Nick

Begin forwarded message:

> **From:** "Atriano, Vincent" <vincent.atriano@squirepb.com>
> **Date:** June 27, 2017 at 6:58:52 PM EDT
> **To:** "McDaniel, Nicholas A. (ENRD)" <Nicholas.A.McDaniel@usdoj.gov>, "Landen, Les (lesl@cityofmiddletown.org)" <lesl@cityofmiddletown.org>, "Etter, Andrew" <andrew.etter@squirepb.com>
> **Cc:** "Prichard, Gary" <prichard.gary@epa.gov>, "Darnell, Robert (ENRD)" <Robert.Darnell@usdoj.gov>, "'Gonzalez, Sarah'" <Gonzalez.Sarah@epa.gov>, "Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov)" <lawrence.helkowski@ohioattorneygeneral.gov>
> **Subject: RE: Middletown - Next Steps**

Nick:

The City is available to meet on either July 24th or 25th. Are you contemplating that the meeting will be limited to attorneys only, as we have discussed in the past, or a broader meeting?

We continue to work on a proposed SEP and penalty counteroffer. We have a good candidate project in the Hydraulic Canal, but there are still some technical questions we still need to work though. We are making progress and should have some more specifics for you within the next couple of weeks.

Please let us know if these proposed meeting dates will work for your side. Thanks.

Vince

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Sunday, June 18, 2017 7:44 PM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Next Steps

Vince, Andrew, and Les,

Thanks for sharing the redlines and the information from Brown and Caldwell on the pipe replacement and rehabilitation. We're reviewing now, and we'll let you know if we have any questions or issues as they come up. I wanted to touch base about two things:

1. **Civil Penalty and Potential SEP(s)** – Do you know when the City will be able to provide a penalty counter-offer, potentially along with information about possible SEPs?

2. **In-Person Meeting** – I think Les has mentioned a couple times before, and we agree, that a full-day in-person meeting to hash out the remaining issues would be beneficial. The governments believe we are at that point – we know there are still areas of disagreement, but we think we can reach agreement on those issues if we spend some time talking through them in-person. To that end, is the City available for an all-day settlement meeting sometime the week of July 24?

Thanks again, and let me know if there's anything you'd like to discuss.

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

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46 Offices in 21 Countries

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#US

Message

From: Prichard, Gary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6642746B4287469B99C71A23DEAA882D-GPRICHAR]
Sent: 6/28/2017 5:12:03 PM
To: Moody, Jonathan [moody.jonathan@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
CC: Valdes, Carla [valdes.carla@epa.gov]
Subject: Re: Middletown - Next Steps

I am available both dates.

From: Moody, Jonathan
Sent: Wednesday, June 28, 2017 12:02:13 PM
To: McDaniel, Nicholas A. (ENRD)
Cc: Valdes, Carla; Prichard, Gary
Subject: RE: Middletown - Next Steps

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Vince

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M +1 614 579 4708
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Sent: Sunday, June 18, 2017 7:44 PM
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Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Next Steps

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Nick

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Environmental Enforcement Section
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#US

Message

From: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Sent: 11/16/2017 6:10:40 PM
To: Prichard, Gary [prichard.gary@epa.gov]
Subject: Fwd: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sent from my iPhone

Begin forwarded message:

From: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Date: November 16, 2017 at 1:01:13 PM EST
To: "Prichard, Gary" <prichard.gary@epa.gov>, "Gonzalez, Sarah" <Gonzalez.Sarah@epa.gov>, "McDaniel, Nicholas A. (ENRD)" <Nicholas.A.McDaniel@usdoj.gov>, "Robert.Darnell@USDOJ.GOV" <Robert.Darnell@USDOJ.GOV>, "Moody, Jonathan" <moody.jonathan@epa.gov>, "Valdes, Carla" <valdes.carla@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Gary and Sarah et al. –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
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Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary Prichard
Associate Regional Counsel
(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
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Gary,

here is the latest from Caroline (our SEP person).

Sarah Gonzalez
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Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
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Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division

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From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Caroline Makepeace
Senior Counsel
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To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
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Here is the information you requested.

Sarah Gonzalez
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To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
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(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499

M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---

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#US

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 11/16/2017 1:11:26 PM
To: Prichard, Gary [prichard.gary@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Robert.Darnell@USDOJ.GOV; Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
Subject: RE: Middletown - Updated SEP Summary

Thanks Gary!

Caroline – I will be out of office until the 29th. If you have any follow-up questions while I am out please contact Gary.

Thanks,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 6:37 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary Prichard
Associate Regional Counsel
(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

here is the latest from Caroline (our SEP person).

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM

To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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

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From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency

OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

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Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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

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Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff

Office of Civil Enforcement
US Environmental Protection Agency
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Subject: RE: Middletown - Updated SEP Summary

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Sarah Gonzalez
Attorney-Adviser
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Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

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To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

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Crosscutting Policy Staff
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US Environmental Protection Agency
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To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
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1200 Pennsylvania Avenue NW
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To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

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Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

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CD and PCMP Appendix

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- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
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Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---

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#US

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 12/12/2017 5:56:32 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Prichard, Gary [prichard.gary@epa.gov]
Subject: RE: Middletown - Final CD Package

Nick,

Please use:

MARK POLLINS
Director, Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

SARAH GONZALEZ
Attorney-Adviser, Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Tuesday, December 12, 2017 12:28 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Subject: Fw: Middletown - Final CD Package

Sarah - Can you send Nick signature information for OECA? I sent it to him separately for Region 5.

Thanks,
Gary

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Tuesday, December 12, 2017 11:16 AM
To: Prichard, Gary
Subject: RE: Middletown - Final CD Package

Hi Gary – Here's the updated version, no signature pages yet. Do I have signature info for the region and HQ?

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Tuesday, December 12, 2017 12:05 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>
Subject: Re: Middletown - Final CD Package

Nick -Do you have an updated version of the CD, with all of the changes and signature pages? I'm hoping to get it into sign-off early this afternoon.

Thanks,
Gary

From: Prichard, Gary
Sent: Friday, December 8, 2017 3:53:01 PM
To: McDaniel, Nicholas A. (ENRD)
Subject: Re: Middletown - Final CD Package

No rush. It won't get into the review package I've put together until next week.

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Friday, December 8, 2017 3:47:09 PM
To: Prichard, Gary
Subject: RE: Middletown - Final CD Package

Hi Gary – I've been in meetings all day today, but I'm hoping to have an updated CD in the next hour before I leave. I'll send it to you as soon as it's ready.

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Friday, December 08, 2017 3:01 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Friday, December 8, 2017 1:50:04 PM
To: Prichard, Gary; Gonzalez, Sarah; Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Friday, December 08, 2017 2:40 PM

To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah
Sent: Friday, December 8, 2017 1:27:38 PM
To: Prichard, Gary; McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Friday, December 08, 2017 2:24 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: Gonzalez, Sarah
Sent: Wednesday, December 6, 2017 3:25:04 PM
To: McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Prichard, Gary; Valdes, Carla
Subject: RE: Middletown - Final CD Package

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, December 06, 2017 4:09 PM
To: Moody, Jonathan <moody.jonathan@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: FW: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Nick

From: McDaniel, Nicholas A. (ENRD)
Sent: Wednesday, December 06, 2017 11:22 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; 'Etter, Andrew' <andrew.etter@squirepb.com>
Cc: Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>
Subject: Middletown - Final CD Package

Vince and Andrew,

Attached are the documents that would make up our CD package to be lodged in this case. We're doing a final review, but we believe these docs are ready to be finalized and signed. As I discussed with you on the phone last week, if the City is able to accept a **Ex. 7(A)** plus the SEP, and if you can confirm the attached documents are good to go, we can finalize and PDF the documents and work on getting signatures.

I want to point out three changes in the attached – these are the only three changes made since the last time you received (or sent) any of the documents:

1. We deleted the parenthetical in the PCMP appendix that the city requested we delete on a phone call a while ago. Please confirm that this addresses your concern.
2. In the LTCP Table, Appendix A, the "Critical Milestones" column previously stated "TBD." I replaced "TBD" with "See Appendix C" (the construction schedule provided by Middletown).
3. Finally, in the SEP attachment, Appendix D, I deleted the previous paragraph 11, which explained why the project has a nexus with the alleged violations. That's something that's helpful for us internally, but it's not necessary for the appendix itself.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

Message

From: Prichard, Gary [prichard.gary@epa.gov]
Sent: 11/15/2017 11:36:35 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Robert.Darnell@USDOJ.GOV; Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
Subject: Re: Middletown - Updated SEP Summary
Attachments: Middletown, OH - SEP 11-15 .docx

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary Prichard
Associate Regional Counsel
(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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Attorney-Adviser
United States Environmental Protection Agency
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1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
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From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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Washington, DC 20004
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gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
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will do!

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From: Makepeace, Caroline
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To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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

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From: Gonzalez, Sarah
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To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
Attorney-Adviser
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gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

Sarah Gonzalez
Attorney-Adviser
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gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

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46 Offices in 20 Countries

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Squire Patton Boggs (US) LLP is part of the international legal practice Squire Patton Boggs, which operates worldwide through a number of separate legal entities. Please visit www.squirepattonboggs.com for more information.

#US

Message

From: Prichard, Gary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6642746B4287469B99C71A23DEAA882D-GPRICHAR]
Sent: 12/12/2017 5:27:40 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
CC: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Subject: Fw: Middletown - Final CD Package
Attachments: ENV_ENFORCEMENT-#2706519-v2-Middletown_-_12-8-17_Consent_Decree.docx

Sarah - Can you send Nick signature information for OECA? I sent it to him separately for Region 5.

Thanks,
Gary

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Tuesday, December 12, 2017 11:16 AM
To: Prichard, Gary
Subject: RE: Middletown - Final CD Package

Hi Gary – Here's the updated version, no signature pages yet. Do I have signature info for the region and HQ?

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Tuesday, December 12, 2017 12:05 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>
Subject: Re: Middletown - Final CD Package

Nick -Do you have an updated version of the CD, with all of the changes and signature pages? I'm hoping to get it into sign-off early this afternoon.

Thanks,
Gary

From: Prichard, Gary
Sent: Friday, December 8, 2017 3:53:01 PM
To: McDaniel, Nicholas A. (ENRD)
Subject: Re: Middletown - Final CD Package

No rush. It won't get into the review package I've put together until next week.

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Friday, December 8, 2017 3:47:09 PM
To: Prichard, Gary
Subject: RE: Middletown - Final CD Package

Hi Gary – I've been in meetings all day today, but I'm hoping to have an updated CD in the next hour before I leave. I'll send it to you as soon as it's ready.

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Friday, December 08, 2017 3:01 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Have you made the changes to the CD that Vince noted in his message and Sarah later noted, and included signature pages? I'd like to put that into the sign off package today.

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Friday, December 8, 2017 1:50:04 PM
To: Prichard, Gary; Gonzalez, Sarah; Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Friday, December 08, 2017 2:40 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah
Sent: Friday, December 8, 2017 1:27:38 PM
To: Prichard, Gary; McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Friday, December 08, 2017 2:24 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: Gonzalez, Sarah
Sent: Wednesday, December 6, 2017 3:25:04 PM
To: McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Prichard, Gary; Valdes, Carla
Subject: RE: Middletown - Final CD Package

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, December 06, 2017 4:09 PM
To: Moody, Jonathan <moody.jonathan@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: FW: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Nick

From: McDaniel, Nicholas A. (ENRD)
Sent: Wednesday, December 06, 2017 11:22 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; 'Etter, Andrew' <andrew.etter@squirepb.com>
Cc: Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>
Subject: Middletown - Final CD Package

Vince and Andrew,

Attached are the documents that would make up our CD package to be lodged in this case. We're doing a final review, but we believe these docs are ready to be finalized and signed. As I discussed with you on the phone last week, if the City is able to accept Ex. 7(A) plus the SEP, and if you can confirm the attached documents are good to go, we can finalize and PDF the documents and work on getting signatures.

I want to point out three changes in the attached – these are the only three changes made since the last time you received (or sent) any of the documents:

1. We deleted the parenthetical in the PCMP appendix that the city requested we delete on a phone call a while ago. Please confirm that this addresses your concern.
2. In the LTCP Table, Appendix A, the "Critical Milestones" column previously stated "TBD." I replaced "TBD" with "See Appendix C" (the construction schedule provided by Middletown).
3. Finally, in the SEP attachment, Appendix D, I deleted the previous paragraph 11, which explained why the project has a nexus with the alleged violations. That's something that's helpful for us internally, but it's not necessary for the appendix itself.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
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(202) 514-0096
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Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 11/15/2017 4:09:25 PM
To: Prichard, Gary [prichard.gary@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Robert.Darnell@USDOJ.GOV
CC: Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
Subject: RE: Middletown - Updated SEP Summary

okay, thanks Gary!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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Cc: Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 9:25 AM
To: McDaniel, Nicholas A. (ENRD); Prichard, Gary; Robert.Darnell@USDOJ.GOV

Cc: Moody, Jonathan; Valdes, Carla
Subject: FW: Middletown - Updated SEP Summary

All,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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Thanks,

Sarah Gonzalez
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Sarah -

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To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

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Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

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Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney

Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---

46 Offices in 20 Countries

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#US

Message

From: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]
Sent: 12/12/2017 5:16:03 PM
To: Prichard, Gary [prichard.gary@epa.gov]
Subject: RE: Middletown - Final CD Package
Attachments: ENV_ENFORCEMENT-#2706519-v2-Middletown_-_12-8-17_Consent_Decree.docx

Hi Gary – Here's the updated version, no signature pages yet. Do I have signature info for the region and HQ?

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Tuesday, December 12, 2017 12:05 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>
Subject: Re: Middletown - Final CD Package

Nick -Do you have an updated version of the CD, with all of the changes and signature pages? I'm hoping to get it into sign-off early this afternoon.

Thanks,
Gary

From: Prichard, Gary
Sent: Friday, December 8, 2017 3:53:01 PM
To: McDaniel, Nicholas A. (ENRD)
Subject: Re: Middletown - Final CD Package

No rush. It won't get into the review package I've put together until next week.

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Friday, December 8, 2017 3:47:09 PM
To: Prichard, Gary
Subject: RE: Middletown - Final CD Package

Hi Gary – I've been in meetings all day today, but I'm hoping to have an updated CD in the next hour before I leave. I'll send it to you as soon as it's ready.

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Friday, December 08, 2017 3:01 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Have you made the changes to the CD that Vince noted in his message and Sarah later noted, and included signature pages? I'd like to put that into the sign off package today.

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Friday, December 8, 2017 1:50:04 PM
To: Prichard, Gary; Gonzalez, Sarah; Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Prichard, Gary [mailto:prichard.gary@epa.gov]
Sent: Friday, December 08, 2017 2:40 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Moody, Jonathan <moody.jonathan@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Gonzalez, Sarah
Sent: Friday, December 8, 2017 1:27:38 PM
To: Prichard, Gary; McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Friday, December 08, 2017 2:24 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: Gonzalez, Sarah
Sent: Wednesday, December 6, 2017 3:25:04 PM
To: McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Prichard, Gary; Valdes, Carla
Subject: RE: Middletown - Final CD Package

will do!

Sarah Gonzalez
Attorney-Adviser
United States Environmental Protection Agency
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Washington, DC 20004
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gonzalez.sarah@epa.gov

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, December 06, 2017 4:09 PM
To: Moody, Jonathan <moody.jonathan@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: FW: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Nick

From: McDaniel, Nicholas A. (ENRD)
Sent: Wednesday, December 06, 2017 11:22 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; 'Etter, Andrew' <andrew.etter@squirepb.com>
Cc: Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>
Subject: Middletown - Final CD Package

Vince and Andrew,

Attached are the documents that would make up our CD package to be lodged in this case. We're doing a final review, but we believe these docs are ready to be finalized and signed. As I discussed with you on the phone last week, if the City is able to accept **Ex. 7(A)** plus the SEP, and if you can confirm the attached documents are good to go, we can finalize and PDF the documents and work on getting signatures.

I want to point out three changes in the attached – these are the only three changes made since the last time you received (or sent) any of the documents:

1. We deleted the parenthetical in the PCMP appendix that the city requested we delete on a phone call a while ago. Please confirm that this addresses your concern.
2. In the LTCP Table, Appendix A, the "Critical Milestones" column previously stated "TBD." I replaced "TBD" with "See Appendix C" (the construction schedule provided by Middletown).
3. Finally, in the SEP attachment, Appendix D, I deleted the previous paragraph 11, which explained why the project has a nexus with the alleged violations. That's something that's helpful for us internally, but it's not necessary for the appendix itself.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 11/15/2017 3:25:37 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Prichard, Gary [prichard.gary@epa.gov]; Robert.Darnell@USDOJ.GOV
CC: Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
Subject: FW: Middletown - Updated SEP Summary
Attachments: Middletown, OH - SEP .docx

All,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP

2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
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O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

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Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

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Total Civil Penalty

Ex. 7(A)

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

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#US

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 12/8/2017 8:53:08 PM
To: Prichard, Gary [prichard.gary@epa.gov]
Subject: RE: Middletown - Final CD Package

Glad it was helpful and thanks for sharing! Have a good weekend!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Friday, December 08, 2017 3:51 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Hope you have a great weekend!

Gary

From: Gonzalez, Sarah
Sent: Friday, December 8, 2017 1:27 PM
To: Prichard, Gary; McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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Sent: Wednesday, December 06, 2017 4:09 PM
To: Moody, Jonathan <moody.jonathan@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
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Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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Cc: Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>
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Vince and Andrew,

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Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

Message

From: Prichard, Gary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6642746B4287469B99C71A23DEAA882D-GPRICHAR]
Sent: 12/8/2017 8:51:19 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: Re: Middletown - Final CD Package
Attachments: Middletown- CD transmittal memo 12 08 2017.doc

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Hope you have a great weekend!

Gary

From: Gonzalez, Sarah
Sent: Friday, December 8, 2017 1:27 PM
To: Prichard, Gary; McDaniel, Nicholas A. (ENRD); Moody, Jonathan; Robert.Darnell@USDOJ.GOV; mark klingenstein; Valdes, Carla
Subject: RE: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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Sent: Wednesday, December 6, 2017 3:25:04 PM
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From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, December 06, 2017 4:09 PM
To: Moody, Jonathan <moody.jonathan@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Robert.Darnell@USDOJ.GOV; mark klingenstein <mark.j.klingenstein@leidos.com>; Prichard, Gary <prichard.gary@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: FW: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Nick

From: McDaniel, Nicholas A. (ENRD)
Sent: Wednesday, December 06, 2017 11:22 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; 'Etter, Andrew' <andrew.etter@squirepb.com>
Cc: Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>
Subject: Middletown - Final CD Package

Vince and Andrew,

Attached are the documents that would make up our CD package to be lodged in this case. We're doing a final review, but we believe these docs are ready to be finalized and signed. As I discussed with you on the phone last week, if the City is able to accep Ex. 7(A) plus the SEP, and if you can confirm the attached documents are good to go, we can finalize and PDF the documents and work on getting signatures.

I want to point out three changes in the attached – these are the only three changes made since the last time you received (or sent) any of the documents:

1. We deleted the parenthetical in the PCMP appendix that the city requested we delete on a phone call a while ago. Please confirm that this addresses your concern.
2. In the LTCP Table, Appendix A, the "Critical Milestones" column previously stated "TBD." I replaced "TBD" with "See Appendix C" (the construction schedule provided by Middletown).
3. Finally, in the SEP attachment, Appendix D, I deleted the previous paragraph 11, which explained why the project has a nexus with the alleged violations. That's something that's helpful for us internally, but it's not necessary for the appendix itself.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

Message

From: Prichard, Gary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6642746B4287469B99C71A23DEAA882D-GPRICHAR]
Sent: 12/8/2017 4:49:49 PM
To: Kuefler, Patrick [kuefler.patrick@epa.gov]; McKim, Krista [mckim.krista@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]; Moody, Jonathan [moody.jonathan@epa.gov]
CC: Mendoza, Stephen [mendoza.stephen@epa.gov]
Subject: Fw: Middletown - Final CD Package
Attachments: ENV_ENFORCEMENT-#2694664-v1-Middletown_-_10-18-17_CD_Clean.docx; Middletown - 12-6-17 LTCP Table Attachment Appendix A.docx; Middletown - 12-6-17 PCMP Draft Clean Appendix B.docx; Middletown - 12-6-17 Construction Schedule Attachment Appendix C.pdf; Middletown - 12-6-17 SEP Attachment Appendix D.docx; Middletown - 12-6-17 SEP Attachment Appendix D Figures.pdf

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Sent: Wednesday, December 6, 2017 3:08 PM
To: Moody, Jonathan; Gonzalez, Sarah; Robert.Darnell@USDOJ.GOV; mark klingenstein; Prichard, Gary; Valdes, Carla
Subject: FW: Middletown - Final CD Package

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Nick

From: McDaniel, Nicholas A. (ENRD)
Sent: Wednesday, December 06, 2017 11:22 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; 'Etter, Andrew' <andrew.etter@squirepb.com>
Cc: Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>
Subject: Middletown - Final CD Package

Vince and Andrew,

Attached are the documents that would make up our CD package to be lodged in this case. We're doing a final review, but we believe these docs are ready to be finalized and signed. As I discussed with you on the phone last week, if the City is able to accept a Ex. 7(A) plus the SEP, and if you can confirm the attached documents are good to go, we can finalize and PDF the documents and work on getting signatures.

I want to point out three changes in the attached – these are the only three changes made since the last time you received (or sent) any of the documents:

1. We deleted the parenthetical in the PCMP appendix that the city requested we delete on a phone call a while ago. Please confirm that this addresses your concern.
2. In the LTCP Table, Appendix A, the "Critical Milestones" column previously stated "TBD." I replaced "TBD" with "See Appendix C" (the construction schedule provided by Middletown).
3. Finally, in the SEP attachment, Appendix D, I deleted the previous paragraph 11, which explained why the project has a nexus with the alleged violations. That's something that's helpful for us internally, but it's not necessary for the appendix itself.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 12/7/2017 8:18:52 PM
To: Prichard, Gary [prichard.gary@epa.gov]
Subject: RE: Middletown - Updated SEP Summary

Gary,

Thank you for covering this while I was out on travel last month! I have added your memo and Caroline's emails to my case file.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Thursday, November 16, 2017 2:53 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Attached and pasted below is the new write up.

Thanks,
Gary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

From: Prichard, Gary
Sent: Thursday, November 16, 2017 1:42:34 PM
To: Makepeace, Caroline
Cc: Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Gary

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 1:08:17 PM
To: Prichard, Gary
Cc: Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sent from my iPhone

On Nov 16, 2017, at 1:14 PM, Prichard, Gary <prichard.gary@epa.gov> wrote:

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Prichard, Gary
Sent: Thursday, November 16, 2017 12:12:09 PM
To: Makepeace, Caroline; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 12:01:13 PM
To: Prichard, Gary; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

Gary and Sarah et al. –

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Prichard, Gary
Sent: Wednesday, November 15, 2017 6:37 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary Prichard
Associate Regional Counsel
(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

here is the latest from Caroline (our SEP person).

Sarah Gonzalez
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)

gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM

To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).
- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---

46 Offices in 20 Countries

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

Squire Patton Boggs (US) LLP is part of the international legal practice Squire Patton Boggs, which operates worldwide through a number of separate legal entities. Please visit www.squirepattonboggs.com for more information.

#US

Message

From: Lawrence Helkowski [lawrence.helkowski@ohioattorneygeneral.gov]
Sent: 8/29/2017 4:17:56 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Atriano, Vincent [vincent.atriano@squirepb.com]
CC: Prichard, Gary [prichard.gary@epa.gov]; Robert.Darnell@USDOJ.GOV; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Landen, Les (lesl@cityofmiddletown.org) [lesl@cityofmiddletown.org]; Etter, Andrew [andrew.etter@squirepb.com]
Subject: RE: Middletown - Updated Drafts

3 pm should work for the State.

Scott

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Tuesday, August 29, 2017 12:17 PM
To: Atriano, Vincent
Cc: Prichard, Gary; Darnell, Robert (ENRD); Gonzalez, Sarah; Lawrence Helkowski; Landen, Les (lesl@cityofmiddletown.org); Etter, Andrew
Subject: RE: Middletown - Updated Drafts

Vince,

I haven't heard back from the state yet, but assuming this works for them, let's talk tomorrow, 8/30, at 3 eastern. We can use my call-in number:

Conference #: Ex. 6 Personal Privacy (PP)
Passcode: Ex. 6 Personal Privacy (PP)

Thanks,
Nick

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Monday, August 28, 2017 10:48 AM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

Nick:

The City is available for an attorneys-only call at 3:00 pm ET on Tues., Wed., Thurs. or Fri of this week. Please let us know if any of those days would work for your side. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center

41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Thursday, August 24, 2017 7:41 PM
To: Atriano, Vincent <vincent.atriano@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: Re: Middletown - Updated Drafts

Vince,

Talking next week would be fine. The following week, I'll be out of the office most days, so let's make sure we get something on the schedule for next week.

Thanks,
Nick

Sent from my iPhone

On Aug 24, 2017, at 7:31 PM, Atriano, Vincent <vincent.atriano@squirepb.com> wrote:

> Nick:
>
> I know we were going to propose dates for an attorneys-only call this week, but we are having a call with Ohio EPA tomorrow to discuss the proposed SEP. Consequently, we will have more information to share with you next week. Would it be OK for us to shoot for next week instead? Thanks.
>
> Vince

<image001.jpg>

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: Atriano, Vincent
Sent: Wednesday, August 16, 2017 7:23 PM
To: 'McDaniel, Nicholas A. (ENRD)' <Nicholas.A.McDaniel@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Cc: Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

Nick:

Thank you for sending us the revised drafts, which we are reviewing. The City appreciates the progress made during our last meeting, as reflected in the revised drafts. We also appreciate the revised penalty proposal, although it appears we still have some work to do in that regard assuming that the City's SEP proposal is acceptable.

We are happy to have a lawyers-only call, but unfortunately we cannot make it work this week. I will be traveling tomorrow and Friday. I will check with Les on his availability and we will propose some dates for such a call next week if possible.

Regards,

Vince

<image001.jpg>

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Friday, August 11, 2017 5:07 PM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>; Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov)

<lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Attached are updated drafts of the Consent Decree and the Post Construction Monitoring Program attachment. We've tried to incorporate all the changes that we were able to reach agreement on at our last meeting. In some places, I noted or explained changes if we were unable to make them. While I don't want to overstate things, and perhaps there are a few areas where we can tweak language, this draft represents a lot of concessions (from both sides) and we expect it to be final or very close to final. We appreciate the City's willingness to talk through issues, and we think this draft protects both sides' interests.

Also included in the draft CD is a penalty proposal from the United States. Because of the City's proposed SEP, which would serve to offset a portion of the penalty, and in an effort to reach a final settlement, we are offering Ex. 7(A) Ex. 7(A) This is of course contingent upon the SEP qualifying under the policy, which we will need to discuss as we finalize the Consent Decree.

I think it probably makes sense to have a lawyers-only phone call, after you've had a chance to review. Would you be available next week, maybe Thursday or Friday?

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

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46 Offices in 21 Countries

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#US

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 7/20/2017 4:37:16 PM
To: Prichard, Gary [prichard.gary@epa.gov]; McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Robert.Darnell@USDOJ.GOV; Moody, Jonathan [moody.jonathan@epa.gov]; Valdes, Carla [valdes.carla@epa.gov]
CC: Kuefler, Patrick [kuefler.patrick@epa.gov]
Subject: RE: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks Gary!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Thursday, July 20, 2017 12:24 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Cc: Kuefler, Patrick <kuefler.patrick@epa.gov>
Subject: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: Gonzalez, Sarah
Sent: Thursday, July 20, 2017 8:11 AM
To: Prichard, Gary; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Gary,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Thursday, July 20, 2017 8:16 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Gary

From: Gonzalez, Sarah
Sent: Wednesday, July 19, 2017 1:43 PM
To: McDaniel, Nicholas A. (ENRD); Prichard, Gary; Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks for clarifying Nick. This is helpful.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, July 19, 2017 2:40 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Prichard, Gary <prichard.gary@epa.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: RE: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

---

From: Gonzalez, Sarah [mailto:Gonzalez.Sarah@epa.gov]
Sent: Wednesday, July 19, 2017 2:31 PM
To: McDaniel, Nicholas A. (ENRD) <NMcDaniel@ENRD.USDOJ.GOV>; Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <RDarnell2@ENRD.USDOJ.GOV>; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: RE: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Nick,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Friday, July 14, 2017 10:40 AM
To: Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 9/25/2017 7:16:39 PM
To: McDaniel, Nicholas A. (ENRD) [Nicholas.A.McDaniel@usdoj.gov]; Prichard, Gary [prichard.gary@epa.gov]; Robert.Darnell@USDOJ.GOV
Subject: FW: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Nick and Gary,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Monday, September 25, 2017 3:11 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Hi Sarah,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Thanks,
Caroline

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: Gonzalez, Sarah
Sent: Thursday, September 21, 2017 3:41 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product
Importance: High

Good afternoon Caroline,

Ex. 5 / Deliberative Process, Attorney Client, Attorney Work Product

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

Message

From: Vantil, Barbara [vantil.barbara@epa.gov]
Sent: 7/6/2017 2:44:18 PM
To: Valdes, Carla [valdes.carla@epa.gov]
CC: Moody, Jonathan [moody.jonathan@epa.gov]
Subject: RE: REPLY REQUESTED: RE: Middletown - Next Steps

Not specifically. Just go ahead and do a TA. Also, if Jonathan has a chance to show you a bit of the system, that would be a very good idea.

From: Valdes, Carla
Sent: Wednesday, July 05, 2017 5:47 PM
To: Vantil, Barbara <vantil.barbara@epa.gov>
Subject: RE: REPLY REQUESTED: RE: Middletown - Next Steps

Did we ever get word back from Pat about this travel?

From: Vantil, Barbara
Sent: Wednesday, June 28, 2017 12:32 PM
To: Kuefler, Patrick <kuefler.patrick@epa.gov>
Cc: Valdes, Carla <valdes.carla@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>
Subject: REPLY REQUESTED: RE: Middletown - Next Steps

Hi, Pat. Do we have sufficient travel funds for Carla to attend a face-to-face negotiation with Middletown? If we have funds for this, Jonathan, could we arrange for Carla to see where some of the projects will be going in.

Thanks, Barbara

From: Valdes, Carla
Sent: Wednesday, June 28, 2017 12:20 PM
To: Vantil, Barbara <vantil.barbara@epa.gov>
Subject: FW: Middletown - Next Steps

Hi Barbara—Middletown would like a full-day in-person meeting to finish up the remaining issues for the case on July 24-25th. Do we have funds available for me to attend?

From: Moody, Jonathan
Sent: Wednesday, June 28, 2017 12:02 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Valdes, Carla <valdes.carla@epa.gov>; Prichard, Gary <prichard.gary@epa.gov>
Subject: RE: Middletown - Next Steps

I can't do the week of the 24th, I'm not sure it is necessary for me to be there at this point, much of the technical issues have been worked through, and the SEP should not be too controversial. This maybe an opportunity for Carla to come out if she is available.

Jonathan Moody, PE
Tel: (440) 250-1708
ENFORCEMENT CONFIDENTIAL/FOIA EXEMPT

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, June 28, 2017 12:42 PM
To: Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>; Moody, Jonathan <moody.jonathan@epa.gov>; Robert.Darnell@USDOJ.GOV; Mark Klingenstein <mark.j.klingenstein@leidos.com>
Subject: Fwd: Middletown - Next Steps

See below for an email from Vince with proposed meeting dates. Let me know if you can make either or both of these days work.

I'm going to cancel our afternoon call today, but we'll check in soon.

Thanks!
Nick

Begin forwarded message:

> **From:** "Atriano, Vincent" <vincent.atriano@squirepb.com>
> **Date:** June 27, 2017 at 6:58:52 PM EDT
> **To:** "McDaniel, Nicholas A. (ENRD)" <Nicholas.A.McDaniel@usdoj.gov>, "Landen, Les (lesl@cityofmiddletown.org)" <lesl@cityofmiddletown.org>, "Etter, Andrew" <andrew.etter@squirepb.com>
> **Cc:** "Prichard, Gary" <prichard.gary@epa.gov>, "Darnell, Robert (ENRD)" <Robert.Darnell@usdoj.gov>, "'Gonzalez, Sarah'" <Gonzalez.Sarah@epa.gov>, "Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov)" <lawrence.helkowski@ohioattorneygeneral.gov>
> **Subject: RE: Middletown - Next Steps**
>
> Nick:
>
> The City is available to meet on either July 24th or 25th. Are you contemplating that the meeting will be limited to attorneys only, as we have discussed in the past, or a broader meeting?
>
> We continue to work on a proposed SEP and penalty counteroffer. We have a good candidate project in the Hydraulic Canal, but there are still some technical questions we still need to work though. We are making progress and should have some more specifics for you within the next couple of weeks.
>
> Please let us know if these proposed meeting dates will work for your side. Thanks.
>
> Vince

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Sunday, June 18, 2017 7:44 PM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Prichard, Gary <prichard.gary@epa.gov>; Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Next Steps

Vince, Andrew, and Les,

Thanks for sharing the redlines and the information from Brown and Caldwell on the pipe replacement and rehabilitation. We're reviewing now, and we'll let you know if we have any questions or issues as they come up. I wanted to touch base about two things:

1. **Civil Penalty and Potential SEP(s)** – Do you know when the City will be able to provide a penalty counter-offer, potentially along with information about possible SEPs?
2. **In-Person Meeting** – I think Les has mentioned a couple times before, and we agree, that a full-day in-person meeting to hash out the remaining issues would be beneficial. The governments believe we are at that point – we know there are still areas of disagreement, but we think we can reach agreement on those issues if we spend some time talking through them in-person. To that end, is the City available for an all-day settlement meeting sometime the week of July 24?

Thanks again, and let me know if there's anything you'd like to discuss.

Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096

Nicholas.A.McDaniel@usdoj.gov

---
46 Offices in 21 Countries

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#US

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 2/11/2019 4:57:20 PM
To: Ex. 7(A) Debra Baker [DBaker@BakerWotring.com]; Goodwin,
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject:
Attachments: Ex. 7(A)

Good morning all,

Ex. 7(A)

Thank you,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 8/5/2019 8:51:06 PM
To: King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: RE: Ex. 7(A)

I am back at my desk. Nat

From: King, Carol <King.Carol@epa.gov>
Sent: Monday, August 5, 2019 4:40 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

What number can I reach you at Efren?

From: Ordonez, Efren
Sent: Monday, August 05, 2019 4:39 PM
To: King, Carol <King.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

Okay

From: King, Carol <King.Carol@epa.gov>
Sent: Monday, August 05, 2019 3:38 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

Not sure. I just got back to my desk. I can call you Nat and then loop in Efren.

From: Ordonez, Efren
Sent: Monday, August 05, 2019 4:29 PM
To: King, Carol <King.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

Are we using Nat's call-in number?
Efren

From: King, Carol <King.Carol@epa.gov>
Sent: Monday, August 05, 2019 2:38 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: RE: Ex. 7(A)

Can we talk at 4:30 pm EST? I'm in another meeting now until 4:30 pm EST but need to catch up with both of you. Thanks!

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, August 05, 2019 3:31 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>

Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Work Product (AWP)

Nat

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Monday, August 5, 2019 1:46 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Work Product (AWP)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Monday, August 05, 2019 12:12 PM
To: Payne, James <payne.james@epa.gov>
Cc: Ex. 7(A) Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Ex. 7(A)

Great thanks. Jim and Efren, can we touch base by phone today?

Sent from my iPhone

On Aug 5, 2019, at 10:40 AM, Payne, James <payne.james@epa.gov> wrote:

> It was good to see you all and thank you for your note. Adding and referring this to Efren.
>
> Sent from my iPhone
>
> On Aug 5, 2019, at 10:19 AM, Ex. 7(A)
>
> > Good morning Jim –
> >
> > Ex. 7(A)
> >
> > Thanks,

Ex. 7(A)

Message

From: Fuller, Mark (ENRD) [Mark.Fuller@usdoj.gov]
Sent: 12/21/2018 9:48:30 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
CC: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject:
Attachments: Ex. 7(A) 12-21-18.DOCX

Nat and Efren,
Here's the final for proofing:

From: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Sent: Friday, December 21, 2018 4:45 PM
To: Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: FW:

Mark, can you put it in final. Efren and I will give it one last proofing. Nat

---

From: Ex. 7(A)
Sent: Friday, December 21, 2018 4:18 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE:

Ex. 7(A)

Thanks,

Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Friday, December 21, 2018 2:44 PM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject:

Ex. 7(A)

Message

From: Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]
Sent: 12/20/2018 5:25:11 PM
To: Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Draft Second Joint Report
Attachments: Ex. 7(A)

Hello,

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

Thanks,
Phillip

From: Zimny, James [mailto:zimny.james@epa.gov]
Sent: Thursday, December 20, 2018 10:17 AM
To: Peters, Carol <Peters.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Draft Second Joint Report

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

Looks accurate - nothing else from me

From: Peters, Carol
Sent: Thursday, December 20, 2018 10:37 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Draft Second Joint Report

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

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, December 19, 2018 8:20 PM
To: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Draft Second Joint Report

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

Nat

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 12/20/2018 3:39:57 PM
To: Peters, Carol [Peters.Carol@epa.gov]; Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Draft Second Joint Report

Carol, thanks. Nat

From: Peters, Carol <Peters.Carol@epa.gov>
Sent: Thursday, December 20, 2018 10:37 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Draft Second Joint Report

Ex. 5 AC/AWP/DP

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, December 19, 2018 8:20 PM
To: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Draft Second Joint Report

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Nat

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 12/20/2018 3:11:07 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]; King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Draft Second Joint Report
Attachments: Ex. 7(A)

Hi Nat,

Ex. 5 AC/AWP/DP

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, December 19, 2018 9:20 PM
To: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Draft Second Joint Report

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Nat

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 2/8/2019 9:39:27 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]
Subject: Ex. 7(A)
Attachments:

Hi all,

Please find attached our notes on Ex. 7(A)

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/6/2019 3:45:17 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Ex. 7(A)

Yes. We can skip the call to give folks more time to get ready for the afternoon call. Nat

---

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Wednesday, February 6, 2019 10:31 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

I am assuming that we will not be having the call this morning so that we are ready for the afternoon call. Please let me know if this assumption is incorrect.
Efren

From: Rog, Morgan
Sent: Wednesday, February 06, 2019 8:19 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Good morning all – are we still having a call at 11 or just waiting until this afternoon's call at 2:30? Thanks! --Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Tuesday, February 05, 2019 8:34 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 AC/DP

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 2/6/2019 2:43:14 PM
To: King, Carol [King.Carol@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Zimny, James [zimny.james@epa.gov]
CC: Ordonez, Efren [Ordonez.Efren@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

Attached is Ex. 7(A) --Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ex. 7(A)
Sent: Tuesday, February 05, 2019 5:49 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Ex. 7(A)

Ex. 7(A)

Thanks, Phillip and Debra.

Ex. 7(A)

Message

From: Peters, Carol [Peters.Carol@epa.gov]
Sent: 2/6/2019 2:41:21 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Tuesday, February 5, 2019 7:34 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Vaughn, Alan [Vaughn.Alan@epa.gov]
Sent: 2/1/2019 2:39:42 PM
To: Peters, Carol [Peters.Carol@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Zimny, James [zimny.james@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

From: Peters, Carol
Sent: Friday, February 01, 2019 8:37 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

From: Rog, Morgan
Sent: Friday, February 1, 2019 7:51 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 5:28 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Rog, Morgan <Rog.Morgan@epa.gov>
Sent: Thursday, January 31, 2019 11:29 AM
To: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A) rogress Report/Extended call Next Week

It looks like Wednesday 2:30 – 5pm EST works for everyone. I can send around a scheduler so it's on our calendars. --Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Zimny, James
Sent: Thursday, January 31, 2019 11:08 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE Ex. 7(A) rogress Report/Extended call Next Week

Next week: Tuesday 3-5 PM eastern, anytime on Wednesday, after 2 PM eastern on Thursday all work for me

---

From: Vaughn, Alan
Sent: Thursday, January 31, 2019 11:01 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE Ex. 7(A) Progress Report/Extended call Next Week

Next week I am available most any time Tuesday and Wednesday. Thursday I am available after 2 pm EST. Friday, any time.

Alan

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 9:36 AM
To: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A) rogress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Thanks, Nat

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/1/2019 2:00:47 PM
To: Rog, Morgan [Rog.Morgan@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: Re Ex. 7(A) rogress Report/Extended call Next Week

Ex. 6 Personal Privacy (PP), hope to be in the office in a couple of hours and get you the draft report shortly after getting in.

Sent from my iPhone

On Feb 1, 2019, at 8:52 AM, Rog, Morgan <Rog.Morgan@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 5:28 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

From: Rog, Morgan <Rog.Morgan@epa.gov>
Sent: Thursday, January 31, 2019 11:29 AM
To: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

It looks like Wednesday 2:30 – 5pm EST works for everyone. I can send around a scheduler so it's on our calendars. --Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Zimny, James
Sent: Thursday, January 31, 2019 11:08 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Next week: Tuesday 3-5 PM eastern, anytime on Wednesday, after 2 PM eastern on Thursday all work for me

---

From: Vaughn, Alan
Sent: Thursday, January 31, 2019 11:01 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Next week I am available most any time Tuesday and Wednesday. Thursday I am available after 2 pm EST. Friday, any time.

Alan

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 9:36 AM
To: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks, Nat

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 1/31/2019 7:05:19 PM
To: Rog, Morgan [Rog.Morgan@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
CC: King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Thanks all. Nat

From: Rog, Morgan <Rog.Morgan@epa.gov>
Sent: Thursday, January 31, 2019 11:29 AM
To: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

It looks like Wednesday 2:30 – 5pm EST works for everyone. I can send around a scheduler so it's on our calendars. -- Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Zimny, James
Sent: Thursday, January 31, 2019 11:08 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Next week: Tuesday 3-5 PM eastern, anytime on Wednesday, after 2 PM eastern on Thursday all work for me

---

From: Vaughn, Alan
Sent: Thursday, January 31, 2019 11:01 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Next week I am available most any time Tuesday and Wednesday. Thursday I am available after 2 pm EST. Friday, any time.

Alan

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 9:36 AM
To: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James

<zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Thanks, Nat

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 1/31/2019 4:07:07 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Hi all,

I'm available Tuesday any time after 11am EST and Wednesday from 9 – 12 and then again from 2-5pm EST.

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ordonez, Efren
Sent: Thursday, January 31, 2019 10:58 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Next week I am not available Thursday afternoon, but I am available the rest of the week. I suggest scheduling the call as early as possible in the week, so I suggest Tuesday or Wednesday.
Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 9:36 AM
To: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks, Nat

Message

From: Peters, Carol [Peters.Carol@epa.gov]
Sent: 1/31/2019 3:45:49 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Ex. 7(A) Progress Report/Extended call Next Week

Tuesday: open all morning
Wednesday: Open all afternoon
Thursday; open all afternoon
Friday; open all day

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, January 31, 2019 9:36 AM
To: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A) Progress Report/Extended call Next Week

Ex. 5 Attorney Client (AC)

Thanks, Nat

Message

From: King, Carol [King.Carol@epa.gov]
Sent: 6/25/2018 4:10:53 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
CC: Zimny, James [zimny.james@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Palit, Ted [palit.ted@epa.gov]
Subject: Re: Ex. 7(A)

Thanks Nat.

Sent from my iPhone

On Jun 25, 2018, at 10:49 AM, Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov> wrote:

James, thanks.

Ex. 5 AC/DP

From: Zimny, James <zimny.james@epa.gov>
Sent: Monday, June 25, 2018 9:59 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>; Palit, Ted <palit.ted@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Also I will be available August 20 and 21 for a meeting

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Friday, June 22, 2018 5:11:13 PM
To: Ordonez, Efren; Rog, Morgan; King, Carol; Zimny, James
Cc: Peters, Carol; Palit, Ted
Subject: RE: Ex. 7(A)

Efren, thanks. Mat

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Friday, June 22, 2018 4:50 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>

Cc: Peters, Carol <Peters.Carol@epa.gov>; Palit, Ted <palit.ted@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Message

From: Zimny, James [zimny.james@epa.gov]
Sent: 6/25/2018 1:58:31 PM
To: Douglas, Nathaniel (ENRD) [nathaniel.douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]
CC: Peters, Carol [Peters.Carol@epa.gov]; Palit, Ted [palit.ted@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

Hi Everyone,

Ex. 5 Attorney Client (AC)

-James

Also I will be available August 20 and 21 for a meeting

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Friday, June 22, 2018 5:11:13 PM
To: Ordonez, Efren; Rog, Morgan; King, Carol; Zimny, James
Cc: Peters, Carol; Palit, Ted
Subject: RE: Ex. 7(A)

Efren, thanks. Mat

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Sent: Friday, June 22, 2018 4:50 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>; Palit, Ted <palit.ted@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 3/13/2017 7:27:07 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Monday, March 13, 2017 2:05 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Goodwin, Phillip - LGL [mailto:Phillip.Goodwin@houstontx.gov]
Sent: Monday, March 13, 2017 12:58 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <dbaker@bakerwotring.com>; Bingham, Tiffany - LGL
Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>;
Ex. 7(A)
Subject: RE: Ex. 7(A)

Efren – It's Spring Break and Carol Haddock is out this week. I propose a call on Thursday, March 23 any time between 11-2 (Central). Please let me know if that works for your team. I intend to have the revised Exhibit S to you before that time.

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Monday, March 13, 2017 12:50 PM
To: Ex. 7(A) Debra Baker; Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD); King, Carol; Zimny, James; Makepeace, Caroline; Peters, Carol
Subject: Ex. 7(A)

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Monday, March 06, 2017 4:18 PM
To: Nat Douglas <nathaniel.douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Ex. 7(A) Debra Baker <dbaker@bakerwotring.com>; Ex. 7(A)
Ex. 7(A)
Subject: Ex. 7(A)

All –

Ex. 7(A)

Thanks,

Ex. 7(A)

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Message

From: King, Carol [King.Carol@epa.gov]
Sent: 1/23/2017 6:05:19 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: FW: SEP language discussed on our call today
Attachments: Ex. 7(A)

From: Debra Baker [mailto:DBaker@BakerWotring.com]
Sent: Wednesday, January 18, 2017 5:10 PM
To: King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: Ex. 7(A)
<Ca
Subject: SEP language discussed on our call today

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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Message

From: Ordonez, Efren [Ordonez.Efren@epa.gov]
Sent: 3/10/2017 9:00:20 PM
To: Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Ex. 7(A)
Attachments:

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

Message

From: Debra Baker [DBaker@BakerWotring.com]
Sent: 5/7/2019 10:02:29 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Ex. 7(A)
Ex. 7(A) Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Re: Ex. 7(A)

Okay, thanks.

Sent from my iPhone

On May 7, 2019, at 4:50 PM, Ordonez, Efren <Ordonez.Efren@epa.gov> wrote:

> Sorry, I sent you the wrong files. Here are the correct files, one with markups and one without.
> Efren
>
> **From:** Debra Baker <DBaker@BakerWotring.com>
> **Sent:** Tuesday, May 07, 2019 4:33 PM
> **To:** Ordonez, Efren <Ordonez.Efren@epa.gov>; Ex. 7(A)
> Ex. 7(A)
> **Cc:** Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
> **Subject:** RE: Ex. 7(A)
>
> Ex. 7(A)
>
> **From:** Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
> **Sent:** Tuesday, May 07, 2019 2:31 PM
> Ex. 7(A)
> **Cc:** Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
> **Subject:** Ex. 7(A)
>
> Ex. 7(A)

Ex. 7(A)

Efren Ordonez

From: Ex. 7(A)
Sent: Tuesday, May 7, 2019 10:02 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Ex. 7(A)
Ex. 7(A)
Subject: Ex. 7(A)
Importance: High

Nate:

Ex. 7(A)

Thanks.

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Ex. 7(A)

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 5/7/2019 8:46:32 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: FW: Ex. 7(A)

Efren, thanks. Nat

From: Ex. 7(A)
Sent: Tuesday, May 7, 2019 3:49 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A) Ex. 7(A) Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Acknowledged.

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Tuesday, May 07, 2019 2:31 PM
To: Ex. 7(A) Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A) Ex. 7(A) Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Efren Ordonez

From: Ex. 7(A)
Sent: Tuesday, May 7, 2019 10:02 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Ex. 7(A)
Subject: Ex. 7(A)
Importance: High

Nate:

Ex. 7(A)

Thanks.

Ex. 7(A)

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]
Sent: 4/9/2019 6:00:12 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: Ex. 7(A)
Attachments:

Hello,

Ex. 5 Attorney Work Product (AWP)

Thanks,
Phillip

From: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Tuesday, April 09, 2019 10:45 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: FW Ex. 7(A)

Ex. 5 Attorney Work Product (AWP)

From: Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Sent: Monday, April 8, 2019 6:09 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Ex. 5 Attorney Work Product (AWP)

Message

From: King, Carol [King.Carol@epa.gov]
Sent: 3/22/2017 5:20:03 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject:
Attachments:

Ex. 5 DP / Ex. 7(A)

Hi Efren,

Ex. 5 DP / Ex. 7(A)

Thanks,
Carol

Message

From: Ex. 7(A)
Sent: 2/20/2017 10:29:57 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Ex. 7(A) Debra Baker [DBaker@BakerWotring.com]; Ceil Price [CPrice@BakerWotring.com]; Ex. 7(A)
Subject:
Attachments: Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

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Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/15/2017 9:22:49 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]
CC: Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: SEP issue

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Wednesday, February 15, 2017 3:56 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>
Subject: SEP issue

Ex. 5 Attorney Client (AC)

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

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 3/29/2019 8:47:04 PM
To: Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Nat Douglas [Nathaniel.Douglas@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

FYI

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From Ex. 7(A)
Sent: Friday, March 29, 2019 4:45 PM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; King, Carol <King.Carol@epa.gov>
Subjec Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: Peters, Carol [Peters.Carol@epa.gov]
Sent: 2/28/2019 4:15:51 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Thursday, February 28, 2019 10:07 AM
To: King, Carol <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: King, Carol
Sent: Thursday, February 28, 2019 9:36 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)
Importance: High

Hi all,

Ex. 5 Attorney Client (AC)

Thanks,
Carol

From: King, Carol
Sent: Thursday, February 28, 2019 9:50 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

I can join the call from 10 to 10:30 am EST this morning, but then I have to go to another meeting at 10:30. Also, I just emailed Caroline Makepeace, Ex. 5 Attorney Client (AC)

Thanks,
Carol

From: Rog, Morgan
Sent: Thursday, February 28, 2019 9:45 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject Ex. 7(A)

All,

I have a conflict at 10am, but will call in when I'm done. Apologies for the inconvenience.

Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, February 27, 2019 5:14 PM
To: King, Carol <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Let's talk at 10 am using my conference line. We need to respond promptly in the morning.

From: Douglas, Nathaniel (ENRD)
Sent: Wednesday, February 27, 2019 3:59 PM
To: 'King, Carol' <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Vaughn, Alan

<Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, February 27, 2019 3:40 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, February 27, 2019 2:43 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Nat

From: Rog, Morgan <Rog.Morgan@epa.gov>
Sent: Wednesday, February 27, 2019 11:15 AM
To: Peters, Carol <Peters.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Palit, Ted <palit.ted@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Let's use my conf line: Ex. 6 Personal Privacy (PP)

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Peters, Carol
Sent: Wednesday, February 27, 2019 11:08 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Palit, Ted <palit.ted@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

I just got on the line and am available

From: Rog, Morgan
Sent: Wednesday, February 27, 2019 10:07 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Palit, Ted <palit.ted@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Ex. 7(A)

Hi everyone – just wondering if we're having a call today?

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Ex. 7(A)
Sent: 3/6/2017 10:43:07 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Ex. 7(A) .gov]; Debra Baker [dbaker@bakerwotring.com]; Bingham,
Subject: Ex. 7(A)
Attachments:

All –

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 3/7/2019 9:14:07 PM
To: Ex. 7(A) Debra Baker [DBaker@BakerWotring.com]
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: Ex. 7(A)
Attachments:

Phillip and Debra,

Ex. 7(A)

We also attach suggested edits (in red) to Appendices C and D.

Thank you,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Zimny, James [zimny.james@epa.gov]
Sent: 6/3/2019 6:22:56 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Monday, June 3, 2019 2:08 PM
To: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Zimny, James
Sent: Monday, May 13, 2019 10:57 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, May 10, 2019 1:17 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Friday, May 10, 2019 10:27 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, May 10, 2019 8:44 AM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Sent: Thursday, May 9, 2019 4:00 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 09, 2019 2:33 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE Ex. 7(A)

James, thanks. Region 6 any comments. Nat

From: Zimny, James <zimny.james@epa.gov>
Sent: Thursday, May 9, 2019 2:40 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 9, 2019 12:58 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, May 8, 2019 4:54 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Wednesday, May 8, 2019 4:04 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, May 08, 2019 2:33 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/DP

From: Ex. 7(A)
Sent: Wednesday, May 8, 2019 3:24 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Ex. 7(A)

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 4/23/2019 3:53:23 PM
To: Welton, Patricia [Welton.Patricia@epa.gov]
CC: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: FW: Comments by 9:30. Re: Consent Decree

Tricia,

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

Scott

From: Ordonez, Efren
Sent: Tuesday, April 23, 2019 9:45 AM
To: Welton, Patricia <Welton.Patricia@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: RE: Comments by 9:30. Re: Consent Decree

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

Efren

From: Welton, Patricia
Sent: Tuesday, April 23, 2019 6:31 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Comments by 9:30. Re: Consent Decree

Please send me any comments on the reply below by 9:30 so I can incorporate before going into a meting much of the rest of the day.
Thank you
Tricia

Susan, Larry, Rosemarie,

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

Ex. 5 Attorney Client (AC)

Thank you
Jim

Sent from my iPhone

Begin forwarded message:

From: "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Date: April 22, 2019 at 4:13:38 PM CDT
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: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>, "Snow, Corinne (ENRD)" <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 AC/AWP/DP, 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: Goodwin, Phillip - HPW <Phillip.Goodwin@houstontx.gov>
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)

Message

From: Fuller, Mark (ENRD) [Mark.Fuller@usdoj.gov]
Sent: 4/11/2019 6:14:38 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Vaughn, Alan [Vaughn.Alan@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

Efren,

Ex. 7(A)

cc: Alan Vaughn, Nat Douglas

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Thursday, April 11, 2019 2:10 PM
To: Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Efren

From: Vaughn, Alan
Sent: Thursday, April 11, 2019 1:07 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: FW: Ex. 7(A)

Efren,

Ex. 5 Attorney Client (AC) and

Alan

From: Zimny, James
Sent: Tuesday, April 09, 2019 1:30 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Fuller, Mark (ENRD) <Mark.Fuller@usdoj.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Tuesday, April 09, 2019 12:50 PM
To: Fuller, Mark (ENRD) <Mark.Fuller@usdoj.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol

<Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Fuller, Mark (ENRD) <Mark.Fuller@usdoj.gov>
Sent: Tuesday, April 09, 2019 11:37 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Efren.

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Tuesday, April 9, 2019 12:20 PM
To: Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject Ex. 7(A)

Ex. 5 Attorney Client (AC)

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

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 2/25/2019 8:09:03 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: Ex. 7(A)
Attachments:

Houston team,

Please find the updated Draft CD attached. Please take a look - Ex. 5 Attorney Client (AC)
Ex. 5 Attorney Client (AC).

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 2/25/2019 6:45:51 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: King, Carol [King.Carol@epa.gov]
Subject: FW: Response to Last CD Version
Attachments: Ex. 7(A)

Hi Efren – I believe this is the latest draft of the CD, which I sent to everyone last Thursday afternoon. Talk to you soon! --Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Rog, Morgan
Sent: Thursday, February 21, 2019 4:41 PM
To Ex. 7(A) Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <ordonez.efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Response to Last CD Version

All,

We attach our response to the CD draft shared earlier today after a quick review of edits. Please note that we flagged a few changes for further discussion.

Thanks,

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ex. 7(A)
Sent: Thursday, February 21, 2019 12:46 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Response to Last CD Version

Nat –

Ex. 7(A) CD revision sent to us by Efren Tuesday night is attached.

Thanks,

Ex. 7(A)

Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, February 21, 2019 9:55 AM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Response to Last CD Version

Ex. 7(A)

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/15/2019 10:16:53 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: RE: Revised Draft CD

Let me know when you are ready.

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Friday, February 15, 2019 5:06 PM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Revised Draft CD

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, February 15, 2019 3:59 PM
To: Ordonez, Efren <ordonez.efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Nat Douglas <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Revised Draft CD

Ex. 5 Attorney Client (AC)

Alan

From: Ordonez, Efren
Sent: Friday, February 15, 2019 3:50 PM
To: Peters, Carol <Peters.Carol@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Nat Douglas <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Revised Draft CD

Ex. 5 AC/DP

Efren

From: Peters, Carol
Sent: Friday, February 15, 2019 3:49 PM
To: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Nat Douglas

<Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Revised Draft CD

Ex. 5 AC/DP

From: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Sent: Friday, February 15, 2019 3:20 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Nat Douglas <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Revised Draft CD

Ex. 5 Attorney Client (AC)

Thanks,
Phillip

From: Rog, Morgan [mailto:Rog.Morgan@epa.gov]
Sent: Friday, February 15, 2019 2:54 PM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Revised Draft CD

Hi everyone,

Please find attached the revised draft CD that I hope captures everything we discussed today. Please take a look to make sure, especially the following sections:

Ex. 5 Attorney Client (AC)

I'm available until 5 EST.

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/15/2019 9:40:36 PM
To: Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: RE: Revised Draft CD

Phillip, can we chat briefly. Nat

From: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Sent: Friday, February 15, 2019 4:20 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Revised Draft CD

Ex. 5 Attorney Client (AC)

Phillip

From: Rog, Morgan [mailto:Rog.Morgan@epa.gov]
Sent: Friday, February 15, 2019 2:54 PM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Revised Draft CD

Hi everyone,

Please find attached the revised draft CD that I hope captures everything we discussed today. Please take a look to make sure, especially the following sections:

Ex. 5 Attorney Client (AC)

I'm available until 5 EST.

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Ex. 7(A)
Sent: 3/6/2017 10:18:10 PM
To: Nat Douglas [nathaniel.douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Ex. 7(A) Debra Baker [dbaker@bakerwotring.com]; Bingham,
Subject:
Attachments: Ex. 7(A)

All –

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ex. 7(A)
Sent: 3/3/2017 10:58:47 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Debra Baker [dbaker@bakerwotring.com]; Ex. 7(A) Ex. 7(A)
CC: Debra Baker [dbaker@bakerwotring.com]; Ex. 7(A) Peters, Carol [Peters.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Ex. 7(A)
Subject: Ex. 7(A)
Attachments: removed.txt

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Friday, March 03, 2017 12:28 PM
To: Ex. 7(A) Debra Baker; Ex. 7(A)
Cc: Debra Baker; Ex. 7(A) Peters, Carol; Zimny, James; Nat Douglas; King, Carol
Subject: Ex. 7(A)

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Wednesday, March 1, 2017 2:53 PM
To: Ordonez, Efren; Nat Douglas; King, Carol
Cc: Debra Baker; Ex. 7(A)
Subject: Ex. 7(A)

Ex. 7(A)

Please let me know if you have any questions.

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ex. 7(A)
Sent: 3/3/2017 8:22:28 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Debra Baker [dbaker@bakerwotring.com]; Ex. 7(A) Ex. 7(A)
CC: Peters, Carol [Peters.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Debra Baker [dbaker@bakerwotring.com]
Subject: RE: Ex. 7(A)

Efren,

Ex. 7(A)

Enjoy your weekend, Phillip

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: "Ordonez, Efren" <Ordonez.Efren@epa.gov>
Date: 3/3/17 12:28 PM (GMT-06:00)
To: Ex. 7(A) Debra Baker <dbaker@bakerwotring.com>, Ex. 7(A)
Cc: Debra Baker <dbaker@bakerwotring.com>, Ex. 7(A) Ex. 7(A) "Peters, Carol" <Peters.Carol@epa.gov>, "Zimny, James" <zimny.james@epa.gov>, Nat Douglas <nathaniel.douglas@usdoj.gov>, "King, Carol" <King.Carol@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Wednesday, March 1, 2017 2:53 PM
To: Ordonez, Efren; Nat Douglas; King, Carol
Cc: Debra Baker; Ex. 7(A)
Subject: Ex. 7(A)

Ex. 7(A)

parameters.

Please let me know if you have any questions.

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 3/3/2017 3:56:17 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Friday, March 03, 2017 10:34 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>
Subject: Fw: Ex. 7(A)

Ex. 7(A)

Efren

From: Peters, Carol
Sent: Thursday, March 2, 2017 3:59 PM
To: King, Carol; Ordonez, Efren; Douglas, Nathaniel (ENRD)
Cc: Zimny, James
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Carol Peters-Wagnon
6EN-WM
214-356-4528(work cell)
214-665-3145

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From: Zimny, James
Sent: Thursday, March 02, 2017 3:42 PM
To: Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Peters, Carol
Sent: Thursday, March 02, 2017 3:54 PM
To: Zimny, James <zimny.james@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Carol Peters-Wagnon
6EN-WM
214-356-4528(work cell)
214-665-3145

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From: Peters, Carol
Sent: Thursday, March 02, 2017 2:14 PM
To: Ordonez, Efren <ordonez.efren@epa.gov>
Subject: RE: Ex. 7(A)

Carol Peters-Wagnon
6EN-WM
214-356-4528(work cell)
214-665-3145

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Ordonez, Efren
Sent: Thursday, March 02, 2017 12:50 PM
To: Peters, Carol <Peters.Carol@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 AC/DP

Efren

From: Peters, Carol
Sent: Thursday, March 2, 2017 12:31:26 PM
To: Ordonez, Efren
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC) nly

Carol Peters-Wagnon
6EN-WM
214-356-4528(work cell)
214-665-3145

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From: Ordonez, Efren
Sent: Thursday, March 02, 2017 12:19 PM

To: Peters, Carol <Peters.Carol@epa.gov>
Subject: Fw Ex. 7(A)

Ex. 5 AC/DP

Efren

From: Ex. 7(A)
Sent: Wednesday, March 1, 2017 2:53 PM
To: Ordonez, Efren; Nat Douglas; King, Carol
Cc: Debra Baker; Ex. 7(A)
Subject: Ex. 7(A)

Ex. 7(A)

Please let me know if you have any questions.

Thanks,

Ex. 7(A)

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Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 3/7/2019 3:01:50 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 7(A)

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ex. 7(A)
Sent: Wednesday, March 06, 2019 2:31 PM
To: King, Carol <King.Carol@epa.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, March 6, 2019 11:46 AM
To: Ex. 7(A) Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A) updated draft

Ex. 7(A)

Ok. Thanks!

From: Ex. 7(A)
Sent: Wednesday, March 06, 2019 12:35 PM

To: King, Carol <King.Carol@epa.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A) updated draft

Ex. 7(A)

Thanks,

Ex. 7(A)

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, March 6, 2019 11:26 AM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A) updated draft

Ex. 7(A)

Hi Phillip and Debra,

Ex. 7(A)

Thanks,
Carol

Carol DeMarco King, Attorney-Advisor
Municipal Enforcement Branch
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
Phone: (202) 564-2412
Email: king.carol@epa.gov

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From: Rog, Morgan
Sent: Tuesday, March 05, 2019 4:47 PM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: Ex. 7(A) pdated draft

All,

Please find an updated draft of the CD attached.

Thank you,

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Debra Baker [DBaker@BakerWotring.com]
Sent: 3/15/2017 8:04:15 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]
CC: Debra Baker [DBaker@BakerWotring.com] Ex. 7(A)
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

Ex. 7(A)

Debra Tsuchiyama Baker
Managing Partner
Connelly · 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@connellybaker.com
www.connellybaker.com

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Message

From: Ireland, Laurie [Ireland.Laurie@epa.gov]
Sent: 2/13/2017 5:19:47 PM
To: Overbay, Connie [Overbay.Connie@epa.gov]
CC: Peters, Carol [Peters.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Ireland, Sean [Ireland.Sean@epa.gov]
Subject: RE: Region 6 contact

Thanks so much Connie!

Carol/Efren, Sean Ireland (copied here) will likely be reaching to you all shortly.

Happy Monday!
Laurie

From: Overbay, Connie
Sent: Monday, February 13, 2017 12:15 PM
To: Ireland, Laurie <Ireland.Laurie@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: RE: Region 6 contact

We believe the CD you are talking about is with the City of Houston, CWA NPDES case.

Ex. 5 Deliberative Process (DP)

Connie M. Overbay
Enforcement Coordinator (6EN)
Compliance Assurance and Enforcement Div.
Region 6
(214) 665-7274
(214) 665-7446 (fax)

From: Ireland, Laurie
Sent: Friday, February 10, 2017 1:27 PM
To: Overbay, Connie <Overbay.Connie@epa.gov>
Subject: FW: Region 6 contact

Hi Connie,

Hope things are well in Texas. We haven't met before, but I work for Scott Gordon in Region 4 in the Office of Enforcement Coordination. The email below is from my NPDES program--I was hoping you might be able to help figure out the appropriate R6 enforcement staff working on an action that was vaguely mentioned in a R4 negotiation meeting this week. Any idea who to contact?

Appreciate it!

Laurie

Laurie E. Ireland

Water Technical Authority
Office of Enforcement Coordination
US EPA Region 4
61 Forsyth Street
Atlanta, GA 30303
404.562.9249
ireland.laurie@epa.gov

From: Ireland, Sean
Sent: Thursday, February 09, 2017 7:30 PM
To: Ireland, Laurie <Ireland.Laurie@epa.gov>
Subject: Region 6 contact

Do you know who the best contact would be in Region 6 for "enforcement" in general? We heard from opposing counsel during negotiations today that R6 is currently drafting an enforcement action (CD?) with language that would take a

Ex. 5 Deliberative Process (DP)

r

Thanks!

Sean Ireland
404-562-9776

Appointment

From: Ex. 7(A)
Sent: 3/15/2017 7:36:49 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]

Subject: Accepted Ex. 7(A) call-in number Ex. 6 Personal Privacy (PP)

Start: 3/23/2017 6:00:00 PM
End: 3/23/2017 7:00:00 PM
Show Time As: Busy

Recurrence: (none)

When: Mar 23, 2017 1:00:00 PM

Message

From: Ex. 7(A)
Sent: 3/1/2017 8:53:11 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]
CC: Debra Baker [dbaker@bakerwotring.com]; Ex. 7(A)
Subject: Ex. 7(A)
Attachments:

Ex. 7(A)

Please let me know if you have any questions.

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/27/2017 4:28:54 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 7(A)

From: Ex. 7(A)
Sent: Monday, February 27, 2017 10:02 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <dbaker@bakerwotring.com>; Ceil Price <CPrice@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Ex. 7(A)
Subject: RE: Ex. 7(A)

Efren –

Ex. 7(A)

Ex. 7(A)

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From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Friday, February 24, 2017 7:45 PM
To: Ex. 7(A)
Cc: Nat Douglas; King, Carol; Zimny, James; Peters, Carol; Makepeace, Caroline
Subject: Ex. 7(A)

Ex. 7(A)

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 3/15/2017 3:57:22 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; King, Carol [King.Carol@epa.gov]
CC: Peters, Carol [Peters.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]
Subject: RE: Ex. 7(A)

I may or may not join the call. Nat

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Wednesday, March 15, 2017 11:03 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

From: Makepeace, Caroline
Sent: Wednesday, March 15, 2017 9:59 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: RE: Ex. 7(A)

Yes, no problem, Efren. Whatever works for you all.

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: Ordonez, Efren
Sent: Wednesday, March 15, 2017 10:41 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 7(A)

Are you available on March 23rd between 12:00 – 200 pm Central? The preference is 1:00 pm to avoid the lunch hour.
Efren

From: Peters, Carol
Sent: Monday, March 13, 2017 1:20 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: FW: Ex. 7(A)

I can do 3/23 noon – 2 central

From: Ex. 7(A)
Sent: Monday, March 13, 2017 12:58 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <dbaker@bakerwotring.com>; Ex. 7(A) Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Goodwin, Ex. 7(A)
Subject Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

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From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Monday, March 13, 2017 12:50 PM
To: Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD); King, Carol; Zimny, James; Makepeace, Caroline; Peters, Carol
Subject: Ex. 7(A)

Ex. 7(A)

From: Ex. 7(A)
Sent: Monday, March 06, 2017 4:18 PM
To: Nat Douglas <nathaniel.douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Ex. 7(A) Debra Baker <dbaker@bakerwotring.com>; Ex. 7(A) Ex. 7(A)
Subject: Ex. 7(A)

All –

Ex. 7(A)

Thanks,

Ex. 7(A)

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Message

From: Peters, Carol [Peters.Carol@epa.gov]
Sent: 2/27/2017 3:29:15 PM
To: Ex. 7(A)
CC: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: Ex. 7(A)
Attachments:

Some of the attachments did not come through our filters/fire walls... If you can delete the extension (file.(leave blank)), then let me know what it should be. It may come through and I can open it by saving it with the proper extension. Thanks!

Carol Peters-Wagnon
6EN-WM
214-356-4528(work cell)
214-665-3145

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From: Ex. 7(A)
Sent: Monday, February 27, 2017 9:02 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <dbaker@bakerwotring.com>; Ceil Price <CPrice@BakerWotring.com>
Cc: Nat Douglas <nathaniel.douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Ex. 7(A)
Subject: Ex. 7(A)

Efren –

Ex. 7(A)

Ex. 7(A)

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From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Friday, February 24, 2017 7:45 PM
To: Ex. 7(A) Debra Baker; Ceil Price

Cc: Nat Douglas; King, Carol; Zimny, James; Peters, Carol; Makepeace, Caroline
Subject: H Ex. 7(A)

Ex. 7(A)

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/24/2017 11:31:03 PM
To: Zimny, James [zimny.james@epa.gov]; King, Carol [King.Carol@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

From: Zimny, James [mailto:zimny.james@epa.gov]
Sent: Friday, February 24, 2017 2:04 PM
To: King, Carol <King.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Looks good to me

From: King, Carol
Sent: Friday, February 24, 2017 1:53 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: FW: Ex. 7(A)
Importance: High

Ex. 5 Attorney Work Product (AWP)

Thanks,
Carol

From: Ordonez, Efren
Sent: Friday, February 24, 2017 11:08 AM
To: Nat Douglas <nathaniel.douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Work Product (AWP)

Efren

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 2/24/2017 11:18:56 PM
To: King, Carol [King.Carol@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Zimny, James [zimny.james@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: Ex. 7(A)

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

From: King, Carol [mailto:King.Carol@epa.gov]
Sent: Friday, February 24, 2017 4:47 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Friday, February 24, 2017 4:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Makepeace, Caroline [mailto:Makepeace.Caroline@epa.gov]
Sent: Friday, February 24, 2017 4:15 PM
To: King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

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

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

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From: King, Carol
Sent: Friday, February 24, 2017 1:53 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: FW: Ex. 7(A)
Importance: High

I just realized Efren didn't include Caroline on his email this AM. So adding Caroline now to the email to please double check SEP and stip remedy edits if possible.

The attached edits look ok to me, but want to make sure Caroline and James are also OK with them. Thanks Efren for drafting them.

Thanks,
Carol

From: Ordonez, Efren
Sent: Friday, February 24, 2017 11:08 AM
To: Nat Douglas <nathaniel.douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

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

Efren

Message

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 4/5/2019 8:01:35 PM
To: Seager, Cheryl [Seager.Cheryl@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Gonzales, Kristina [Gonzales.Kristina@epa.gov]; Murdock, Russell [Murdock.Russell@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Ex. 7(A)
Attachments: Sessions - CDs w_State Gov_memo_11.18.pdf

Cheryl,

Attached is the Sessions Memo which was signed in Nov. 2018.

Scott

From: Seager, Cheryl
Sent: Friday, April 05, 2019 2:58 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Gonzales, Kristina <Gonzales.Kristina@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

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

Thanks for your help!!

Cheryl

Cheryl Seager | Director | Compliance Assurance and Enforcement Division | EPA Region 6| Mail Code 6EN | 1445 Ross Avenue| Suite 1200 | Dallas, TX 75202 | Phone 214-665-3114 |

Message

From: Zimny, James [zimny.james@epa.gov]
Sent: 2/14/2019 8:35:41 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Nat Douglas [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; phillip.ledbetter (phillip.ledbetter@oag.texas.gov) [phillip.ledbetter@oag.texas.gov]
Subject: Ex. 7(A)
Attachments:

From: Ordonez, Efren
Sent: Thursday, February 14, 2019 2:26 PM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; phillip.ledbetter (phillip.ledbetter@oag.texas.gov) <phillip.ledbetter@oag.texas.gov>
Subject: RE: Ex. 7(A)

In looking through the CD, the following are items that we probably need to focus on:

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

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

From: Ordonez, Efren
Sent: Thursday, February 14, 2019 11:05 AM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol (King.Carol@epa.gov) <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; phillip.ledbetter (phillip.ledbetter@oag.texas.gov) <phillip.ledbetter@oag.texas.gov>
Subject: Ex. 7(A)

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

For today's call, let's use my number: Ex. 6 Personal Privacy (PP)

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

Message

From: Payne, James [payne.james@epa.gov]
Sent: 3/13/2019 5:33:07 PM
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 DP / Ex. 7(A)

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

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. 7(A)

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

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

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

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 3/13/2019 5:11:42 PM
To: Zimny, James [zimny.james@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Ex. 7(A)

Thanks

From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, March 13, 2019 12:08 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Nat:

Ex. 5 AC/DP

From: Rog, Morgan
Sent: Wednesday, March 13, 2019 11:35 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Please see newly formatted document attached. As we discussed, please make hand-written comments on a hard copy, then scan and send it back to the team to ensure version control.

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Payne, James [payne.james@epa.gov]
Sent: 2/21/2019 8:12:59 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Murdock, James [Murdock.James@epa.gov]
Subject: FW: Ex. 7(A)

From: Payne, James
Sent: Thursday, February 21, 2019 2:13 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Murdock, James <Murdock.James@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>
Subject: RE: Ex. 7(A)

Never mind – got the response.

From: Payne, James
Sent: Thursday, February 21, 2019 1:32 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Murdock, James <Murdock.James@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>
Subject: Fwd: Ex. 7(A)

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

214-665-8170
214-490-6707 cell

Sent from my iPhone

Begin forwarded message:

> **From:** "Ordonez, Efren" <Ordonez.Efren@epa.gov>
> **Date:** February 19, 2019 at 12:14:38 PM CST
> **To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Payne, James" <payne.james@epa.gov>
> **Cc:** "Saunders, Jerry" <Saunders.Jerry@epa.gov>, "McDonald, Scott" <mcdonald.scott@epa.gov>, "Murdock, James" <Murdock.James@epa.gov>, "Vaughn, Alan" <Vaughn.Alan@epa.gov>, "Peters, Carol" <Peters.Carol@epa.gov>
> **Subject:** Ex. 7(A)

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

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

Message

From: Payne, James [payne.james@epa.gov]
Sent: 2/21/2019 7:37:53 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Murdock, James [Murdock.James@epa.gov]; Morgan, Jeanette [Morgan.Jeanette@epa.gov]
Subject: Fwd: Ex. 7(A)

My meeting w David G is at 3:15pm and this might be a topic.

Ex. 5 Deliberative Process (DP)

Jeanette - pls assist.

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James" <payne.james@epa.gov>
> **Date:** February 21, 2019 at 1:31:58 PM CST
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Zimny, James" <zimny.james@epa.gov>
> **Cc:** "Murdock, James" <Murdock.James@epa.gov>, "Seager, Cheryl" <Seager.Cheryl@epa.gov>
> **Subject: Fwd:** Ex. 7(A)

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

214-665-8170
214-490-6707 cell

Sent from my iPhone

Begin forwarded message:

> **From:** "Ordonez, Efren" <Ordonez.Efren@epa.gov>
> **Date:** February 19, 2019 at 12:14:38 PM CST
> **To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Payne, James" <payne.james@epa.gov>
> **Cc:** "Saunders, Jerry" <Saunders.Jerry@epa.gov>, "McDonald, Scott" <mcdonald.scott@epa.gov>, "Murdock, James" <Murdock.James@epa.gov>, "Vaughn, Alan" <Vaughn.Alan@epa.gov>, "Peters, Carol" <Peters.Carol@epa.gov>
> **Subject:** Ex. 7(A)

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

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

Message

From: Saunders, Jerry [Saunders.Jerry@epa.gov]
Sent: 2/21/2019 12:53:39 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: Fwd: Ex. 7(A)

See Cheryl's note.

Sent from my iPhone

Begin forwarded message:

> **From:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>
> **Date:** February 20, 2019 at 5:47:08 PM CST
> **To:** "Saunders, Jerry" <Saunders.Jerry@epa.gov>
> **Subject: Re** Ex. 7(A)
>
> Ex. 5 AC/DP, Ex. 7(a)
>
> Sent from my iPhone
>
> On Feb 20, 2019, at 5:25 PM, Saunders, Jerry <Saunders.Jerry@epa.gov> wrote:
>
>> Thoughts?
>>
>> Sent from my iPhone
>>
>> Begin forwarded message:
>>
>>> **From:** "Ordonez, Efren" <Ordonez.Efren@epa.gov>
>>> **Date:** February 19, 2019 at 12:14:38 PM CST
>>> **To:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Payne, James" <payne.james@epa.gov>
>>> **Cc:** "Saunders, Jerry" <Saunders.Jerry@epa.gov>, "McDonald, Scott" <mcdonald.scott@epa.gov>, "Murdock, James" <Murdock.James@epa.gov>, "Vaughn, Alan" <Vaughn.Alan@epa.gov>, "Peters, Carol" <Peters.Carol@epa.gov>
>>> **Subject:** Ex. 7(A)
>>>
>>> Ex. 5 AC/DP, Ex. 7(a)

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

Message

From: Murdock, James [Murdock.James@epa.gov]
Sent: 2/19/2019 8:55:09 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: RE: Ex. 7(A)

Efren,

Sorry for the barrage of phone calls. Jim and I were discussing this and wanted to get in touch with you.

Is there a time later this afternoon you are available for a call?

James

From: Ordonez, Efren
Sent: Tuesday, February 19, 2019 12:15 PM
To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Payne, James <payne.james@epa.gov>
Cc: Saunders, Jerry <Saunders.Jerry@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

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

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

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 3/6/2019 7:34:27 PM
To: Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: King, Carol [King.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Nat Douglas [Nathaniel.Douglas@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

FYI

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ex. 7(A)
Sent: Wednesday, March 06, 2019 2:31 PM
To: King, Carol <King.Carol@epa.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Ex. 7(A) updated draft

Please find attached the Ex. 7(A)

Thanks,

Ex. 7(A)

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, March 6, 2019 11:46 AM
To: Ex. 7(A) Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A) pdated draft

Ex. 7(A)

Ok. Thanks!

From: Ex. 7(A)
Sent: Wednesday, March 06, 2019 12:35 PM
To: King, Carol <King.Carol@epa.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A) updated draft

Ex. 7(A)

Thanks,

Ex. 7(A)

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, March 6, 2019 11:26 AM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Ex. 7(A) updated draft

Ex. 7(A)

Hi Phillip and Debra,

Ex. 7(A)

Thanks,
Carol

Carol DeMarco King, Attorney-Advisor
Municipal Enforcement Branch
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
Phone: (202) 564-2412

Email: king.carol@epa.gov

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From: Rog, Morgan
Sent: Tuesday, March 05, 2019 4:47 PM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: Ex. 7(A) updated draft

All,

Please find an updated draft of the CD attached.

Thank you,

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 3/13/2019 12:03:43 AM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: Re: Ex. 7(A)

Thanks Efren. I am in San Diego on Spring break. I'll return to office on Monday. If you need to elevate this issue for quick response, then please run by Jim P.

Thanks-
Scott

Sent from my iPhone

On Mar 12, 2019, at 3:12 PM, Ordonez, Efren <Ordonez.Efren@epa.gov> wrote:

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

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

Message

From: Ex. 7(A)
Sent: 3/6/2019 5:33:55 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Debra Baker [DBaker@BakerWotring.com]
Subject: Ex. 7(A)
Attachments:

Efren –

Please find the requested exhibit attached.

Thanks,

Ex. 7(A)

Message

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 5/14/2019 8:44:26 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]
Subject: RE: Ex. 7(A)

Thanks!

From: Ordonez, Efren
Sent: Tuesday, May 14, 2019 12:41 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Subject: RE: Ex. 7(A)

Will do.
Efren

From: McDonald, Scott
Sent: Tuesday, May 14, 2019 12:13 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Gilrein, Stephen <gilrein.stephen@epa.gov>
Subject: FW: Ex. 7(A)

Efren,

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

Scott

From: Payne, James
Sent: Monday, May 13, 2019 11:02 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Fwd: Ex. 7(A)

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

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James" <payne.james@epa.gov>
> **Date:** May 13, 2019 at 10:59:31 PM CDT
> **To:** "Gray, David" <gray.david@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Chiang, I-Jung" <chiang.i-jung@epa.gov>, "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gilrein, Stephen" <gilrein.stephen@epa.gov>, "Saunders, Jerry" <Saunders.Jerry@epa.gov>
> **Cc:** "Ordonez, Efren" <Ordonez.Efren@epa.gov>, "McDonald, Scott" <mcdonald.scott@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
> **Subject** Ex. 7(A)

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

Sent from my iPhone

Begin forwarded message:

From: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Date: May 3, 2019 at 1:01:32 PM CDT
To: "Payne, James" <payne.james@epa.gov>
Cc: "Koslow, Karin" <Koslow.Karin@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: Fw: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

Jim --

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

See emails below for the latest status on Ex. 7(A)

Rosemarie

From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
Sent: Friday, May 3, 2019 11:46 AM
To: Mariani, Tom (ENRD)
Cc: Starfield, Lawrence; Kelley, Rosemarie; Patterson, Kenneth; Mackey, Cyndy; DeLeon, Rafael; Leff, Karin
Subject: Re: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

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

Sent from my iPhone

On May 3, 2019, at 11:45 AM, Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV> wrote:

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

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, May 3, 2019 11:33 AM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

Tom,

That sounds good.

Ex. 5 AC/AWP/DP, 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: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Sent: Friday, May 03, 2019 9:35 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; bruce.gelber@usdoj.gov
Subject: RE: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

Hello, Larry:

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

So I think the lineup is

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

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

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, May 3, 2019 8:29 AM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -->

Tom,

We'll also want to include:

Ex. 5 AC/AWP/DP, 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: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Sent: Friday, May 03, 2019 12:09 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>
Subject: Re: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -->

Hello, Rosemarie:

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

On May 2, 2019, at 8:14 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Tom –

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

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

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

Rosemarie

From: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Sent: Wednesday, May 01, 2019 6:38 PM
To: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>
Subject: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -->

Hello, Everyone:

Because this week's conference call is barely over, it seems early to ask for agenda items for next Monday's call. But here we are; it's late on Wednesday already. Please send along any suggestions for agenda items. As

usual, things work better logistically if I receive items by Noon or so on Friday.

Thanks. TM

Message

From: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Sent: 4/5/2017 3:38:18 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; Ex. 7(A) Debra Baker [DBaker@BakerWotring.com]; Ex. 7(A)
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Zimny, James [zimny.james@epa.gov]; King, Carol [King.Carol@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Efren, I am little confused. Are you suggesting a call to discuss Ex. 7(A) Nat

---

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Wednesday, April 05, 2017 10:32 AM
To: Ex. 7(A) Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A) Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Zimny, James <zimny.james@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

this week.
Efren

From: Ex. 7(A)
Sent: Wednesday, March 15, 2017 1:50 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A) Ex. 7(A)
Subject: Ex. 7(A)

Efren Ex. 7(A) is available.

Thanks, Phillip

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: "Ordonez, Efren" <Ordonez.Efren@epa.gov>
Date: 3/15/17 1:42 PM (GMT-06:00)
To: Ex. 7(A)
<DBaker@BakerWotring.com>, Ex. 7(A)
Subject: Ex. 7(A)

Are you available on March 23rd at 1:00 pm CST? For the U.S, the following are scheduled to participate: Caroline Makepeace, Carol P, Carol K, James, me, and maybe Nat.
Efren

From: Ex. 7(A)
Sent: Monday, March 13, 2017 12:58 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Debra Baker <dbaker@bakerwotring.com>; Ex. 7(A)
Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>;
Ex. 7(A)
Subject: Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Monday, March 13, 2017 12:50 PM
To: Ex. 7(A) Debra Baker; Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD); King, Carol; Zimny, James; Makepeace, Caroline; Peters, Carol
Subject: Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Monday, March 06, 2017 4:18 PM
To: Nat Douglas <nathaniel.douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Ex. 7(A) Debra Baker <dbaker@bakerwotring.com>; Ex. 7(A) Ex. 7(A)
Subject: Ex. 7(A)

All –

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Peters, Carol [Peters.Carol@epa.gov]
Sent: 3/28/2017 7:53:39 PM
To: King, Carol [King.Carol@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]
Subject: RE: Ex. 7(A)

I can be on a call

From: King, Carol
Sent: Tuesday, March 28, 2017 2:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

I'm free now too.

From: Makepeace, Caroline
Sent: Tuesday, March 28, 2017 3:47 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

I'm free right now, and in my office. Others?

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: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Tuesday, March 28, 2017 3:43 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Are we having our call. Nat

From: Makepeace, Caroline [mailto:Makepeace.Caroline@epa.gov]
Sent: Tuesday, March 28, 2017 2:12 PM
To: King, Carol <King.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>

Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 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: King, Carol
Sent: Tuesday, March 28, 2017 12:00 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Adding Caroline.

From: Ordonez, Efren
Sent: Tuesday, March 28, 2017 11:57 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 8/5/2019 8:40:55 PM
To: King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Office – 214/665-2181

From: King, Carol <King.Carol@epa.gov>
Sent: Monday, August 05, 2019 3:40 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

What number can I reach you at Efren?

From: Ordonez, Efren
Sent: Monday, August 05, 2019 4:39 PM
To: King, Carol <King.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

Okay

From: King, Carol <King.Carol@epa.gov>
Sent: Monday, August 05, 2019 3:38 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

Not sure. I just got back to my desk. I can call you Nat and then loop in Efren.

From: Ordonez, Efren
Sent: Monday, August 05, 2019 4:29 PM
To: King, Carol <King.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Subject: RE: Ex. 7(A)

Are we using Nat's call-in number?
Efren

From: King, Carol <King.Carol@epa.gov>
Sent: Monday, August 05, 2019 2:38 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: RE: Ex. 7(A)

Can we talk at 4:30 pm EST? I'm in another meeting now until 4:30 pm EST but need to catch up with both of you.
Thanks!

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, August 05, 2019 3:31 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>

Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

Nat

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Monday, August 5, 2019 1:46 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: FW: Ex. 7(A)

Ex. 7(A)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Monday, August 05, 2019 12:12 PM
To: Payne, James <payne.james@epa.gov>
Cc: Ex. 7(A); Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Ex. 7(A)

Great thanks. Jim and Efren, can we touch base by phone today?

Sent from my iPhone

On Aug 5, 2019, at 10:40 AM, Payne, James <payne.james@epa.gov> wrote:

> It was good to see you all and thank you for your note. Adding and referring this to Efren.
>
> Sent from my iPhone
>
> On Aug 5, 2019, at 10:19 AM, Ex. 7(A) wrote:
>
> > Good morning Jim –
> >
> > Ex. 7(A)
> >
> > Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 8/5/2019 8:09:45 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
CC: King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 7(A)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, August 05, 2019 2:31 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Work Product (AWP)

Nat

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Monday, August 5, 2019 1:46 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: FW: Ex. 7(A)

Ex. 5 AC/DP

Efren

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Monday, August 05, 2019 12:12 PM
To: Payne, James <payne.james@epa.gov>
Cc: Ex. 7(A) Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Ex. 7(A)

Great thanks. Jim and Efren, can we touch base by phone today?

Sent from my iPhone

On Aug 5, 2019, at 10:40 AM, Payne, James <payne.james@epa.gov> wrote:

It was good to see you all and thank you for your note. Adding and referring this to Efren.

Sent from my iPhone

On Aug 5, 2019, at 10:19 AM, Ex. 7(A) wrote:

Good morning Jim –

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 9/18/2019 3:01:02 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: RE: Short Call

Ex. 6 Personal Privacy (PP)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, September 18, 2019 9:41 AM
To: Ex. 7(A); Debra Baker <DBaker@BakerWotring.com>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Short Call

Debra and Phillip, let's talk at 11:30 am eastern. Nat

From: Ex. 7(A)
Sent: Tuesday, September 17, 2019 9:39 PM
To: Debra Baker <DBaker@BakerWotring.com>
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Short Call

Yes, that works for me.

Ex. 7(A)

On Sep 17, 2019 6:47 PM, Debra Baker <DBaker@BakerWotring.com> wrote:
[Message Came from Outside the City of Houston Mail System]

Best time for me is between **10 and 11 a.m. central**, which is between 11 a.m. and 12 noon eastern time. **Ex. 7(A)** would that work for you?

From: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Tuesday, September 17, 2019 6:37 PM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A); Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Short Call

Debra, Phillip G. and Phillip L., are you available for a short call on Wed. (9/18) between 11 am – 1 pm eastern. Nat

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 4/20/2017 6:30:12 PM
To: Peters, Carol [Peters.Carol@epa.gov]; Palit, Ted [palit.ted@epa.gov]
Subject: Ex. 7(A)

Are you available tomorrow, Friday, to discuss Ted's email?
Efren

From: Palit, Ted
Sent: Thursday, April 20, 2017 9:59 AM
To: Ordonez, Efren
Cc: Peters, Carol; Saunders, Jerry; Edelbrock, Judy; Vaughn, Alan
Subject: RE: Ex. 7(A)

Hi Efren,

Ex. 5 Attorney Client (AC)

Ted

From: Ordonez, Efren
Sent: Tuesday, April 18, 2017 2:04 PM
To: Palit, Ted <palit.ted@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Sunday, April 09, 2017 11:35 AM
To: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A)

From: Ex. 7(A)
Sent: Thursday, April 06, 2017 12:53 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Ex. 7(A)

Ex. 5 Deliberative Process (DP)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 5/7/2019 9:50:33 PM
To: Debra Baker [DBaker@BakerWotring.com]; Ex. 7(A) Ex. 7(A)
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A)

Sorry, I sent you the wrong files. Here are the correct files, one with markups and one without.
Efren

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Tuesday, May 07, 2019 4:33 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Ex. 7(A) Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Tuesday, May 07, 2019 2:31 PM
To: Ex. 7(A) Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A) Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Efren Ordonez

From: Ex. 7(A)
Sent: Tuesday, May 7, 2019 10:02 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Ex. 7(A)
Subject: Ex. 7(A)
Importance: High

Nate:

Ex. 7(A)

Thanks.

Ex. 7(A)

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 5/7/2019 7:35:43 PM
To: phillip.ledbetter (phillip.ledbetter@oag.texas.gov) [phillip.ledbetter@oag.texas.gov]
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

I just sent the attached 2 files Ex. 7(A) which are a clean version of the latest CD draft and a version with markups.

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 5/7/2019 7:31:16 PM
To: Ex. 7(A) Debra Baker [DBaker@BakerWotring.com]; Ex. 7(A)
Ex. 7(A)
CC: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Carol Peters [Peters.Carol@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 7(A)

Efren Ordonez

From: Ex. 7(A)
Sent: Tuesday, May 7, 2019 10:02 AM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Ex. 7(A)
Subject: Ex. 7(A)
Importance: High

Nate:

Ex. 7(A)

Ex. 7(A)

Thanks.

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 5/7/2019 4:15:28 PM
To: Fuller, Mark (ENRD) [Mark.Fuller@usdoj.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A)

Here it is.
Efren

From: Ex. 7(A)
Sent: Friday, March 29, 2019 3:45 PM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; King, Carol <King.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/27/2019 10:04:36 PM
To: phillip.ledbetter (phillip.ledbetter@oag.texas.gov) [phillip.ledbetter@oag.texas.gov]; James Sallans [James.Sallans@tceq.texas.gov]
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

Here is the latest draft that was sent to the city. Ex. 5 AC / Ex. 7(A)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/29/2019 6:02:10 PM
To: phillip.ledbetter (phillip.ledbetter@oag.texas.gov) [phillip.ledbetter@oag.texas.gov]
CC: Nat Douglas [Nathaniel.Douglas@usdoj.gov]
Subject:
Attachments: Ex. 7(A)

Here is App. C which I just sent to Ex. 7(A)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/8/2019 4:34:21 PM
To: Nat Douglas [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Carol DeMarco [DeMarco.Carol@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC/DP.
Efren

From: Ex. 7(A)
Sent: Friday, March 08, 2019 10:16 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Cc: Ex. 7(A) Debra Baker <DBaker@BakerWotring.com>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Ex. 7(A) Ex. 7(A)
Subject: Consent Decree status

Ex. 7(A)

Thanks Debra and Phillip.

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 6/3/2019 6:27:52 PM
To: Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: Rog, Morgan [Rog.Morgan@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]
Subject: RE: Appendix G - Annual Report Template- redline version

Ex. 5 Attorney Client (AC)

Efren

From: Zimny, James
Sent: Monday, June 03, 2019 1:23 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Appendix G - Annual Report Template- redline version

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Monday, June 3, 2019 2:08 PM
To: Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: FW: Appendix G - Annual Report Template- redline version

Ex. 7(A)

Efren

From: Zimny, James
Sent: Monday, May 13, 2019 10:57 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, May 10, 2019 1:17 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters,

Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Friday, May 10, 2019 10:27 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Efren

From: Vaughn, Alan
Sent: Friday, May 10, 2019 8:44 AM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Alan

From: Zimny, James
Sent: Thursday, May 09, 2019 3:32 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Thursday, May 9, 2019 4:00 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 09, 2019 2:33 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

James, thanks. Region 6 any comments. Nat

From: Zimny, James <zimny.james@epa.gov>
Sent: Thursday, May 9, 2019 2:40 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

I reviewed the updated Appendix G and all of our previous tables and reporting requirements are there.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 9, 2019 12:58 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

Can we get back to Ex. 7(A) today on this. Nat

From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, May 8, 2019 4:54 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Wednesday, May 8, 2019 4:04 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan

<Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, May 08, 2019 2:33 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW: Appendix G - Annual Report Template

See the email below from Ex. 7(A) We need to promptly review and hopefully get back to Ex. 7(A) today or Thurs. early am. Thanks, Nat

---

From: Ex. 7(A)
Sent: Wednesday, May 8, 2019 3:24 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Appendix G - Annual Report Template

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/27/2019 10:02:45 PM
To: Debra Baker [DBaker@BakerWotring.com]; Ex. 7(A)
CC: Nat Douglas [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Carol Peters [Peters.Carol@epa.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 7(A)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 6/3/2019 6:08:07 PM
To: Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: Rog, Morgan [Rog.Morgan@epa.gov]
Subject: FW: Appendix G - Annual Report Template- redline version
Attachments: Ex. 7(A)

Ex. 7(A)

Efren

From: Zimny, James
Sent: Monday, May 13, 2019 10:57 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, May 10, 2019 1:17 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Friday, May 10, 2019 10:27 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Efren

From: Vaughn, Alan
Sent: Friday, May 10, 2019 8:44 AM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Alan

From: Zimny, James
Sent: Thursday, May 09, 2019 3:32 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Thursday, May 9, 2019 4:00 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan

<Vaughn.Alan@epa.gov>
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Ex. 5 Attorney Client (AC)

Efren

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Sent: Thursday, May 09, 2019 2:33 PM
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Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

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From: Zimny, James <zimny.james@epa.gov>
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Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
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Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 9, 2019 12:58 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

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From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, May 8, 2019 4:54 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Wednesday, May 8, 2019 4:04 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, May 08, 2019 2:33 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW: Appendix G - Annual Report Template

See the email below from Ex. 7(A). We need to promptly review and hopefully get back to Ex. 7(A) bday or Thurs. early am. Thanks, Nat

From: Ex. 7(A)
Sent: Wednesday, May 8, 2019 3:24 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>

Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Appendix G - Annual Report Template

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 4/23/2019 2:44:36 PM
To: Welton, Patricia [Welton.Patricia@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Murdock, Russell [Murdock.Russell@epa.gov]; Barnett, Cheryl [Barnett.Cheryl@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]
CC: Payne, James [payne.james@epa.gov]
Subject: RE: Comments by 9:30. Re: Consent Decree

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

Efren

From: Welton, Patricia
Sent: Tuesday, April 23, 2019 6:31 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Comments by 9:30. Re: Consent Decree

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

Thank you

Jim

Sent from my iPhone

Begin forwarded message:

From: "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Date: April 22, 2019 at 4:13:38 PM CDT
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: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>, "Snow, Corinne (ENRD)" <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 AC/AWP/DP, 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

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.

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 4/8/2019 2:58:50 PM
To: King, Carol [King.Carol@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Zimny, James [zimny.james@epa.gov]; Carol Peters [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: Nat Douglas [Nathaniel.Douglas@usdoj.gov]
Subject: Ex. 7(A)
Attachments:

Ex. 7(A)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 4/11/2019 6:08:30 PM
To: Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: Vaughn, Alan
Sent: Thursday, April 11, 2019 1:07 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: FW: Ex. 7(A)

Efren,

Ex. 5 Attorney Client (AC)

Alan

From: Zimny, James
Sent: Tuesday, April 09, 2019 1:30 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Fuller, Mark (ENRD) <Mark.Fuller@usdoj.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Tuesday, April 09, 2019 12:50 PM
To: Fuller, Mark (ENRD) <Mark.Fuller@usdoj.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: Fuller, Mark (ENRD) <Mark.Fuller@usdoj.gov>
Sent: Tuesday, April 09, 2019 11:37 AM

To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE Ex. 7(A)

Thanks Efren.

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Tuesday, April 9, 2019 12:20 PM
To: Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/15/2019 11:06:21 PM
To: phillip.ledbetter (phillip.ledbetter@oag.texas.gov) [phillip.ledbetter@oag.texas.gov]; James Sallans [James.Sallans@tceq.texas.gov]
Subject:
Attachments: Ex. 7(A)

Here is the latest CD draft that Ex. 7(A)

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/15/2019 11:05:17 PM
To: Debra Baker [DBaker@BakerWotring.com]; Ex. 7(A)
CC: Nat Douglas [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: Ex. 7(A)
Attachments:

Here is the latest revised CD draft. Please note that we reserve the right to correct any inadvertent language omissions or incorrect language additions.

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 4/9/2019 8:00:20 PM
To: McDonald, Scott [mcdonald.scott@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: McDonald, Scott
Sent: Monday, April 08, 2019 12:54 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Seager, Cheryl <Seager.Cheryl@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Payne, James <payne.james@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

All,

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

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

From: Welton, Patricia
Sent: Monday, April 08, 2019 9:42 AM
To: McDonald, Scott <mcdonald.scott@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Seager, Cheryl <Seager.Cheryl@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Payne, James <payne.james@epa.gov>
Subject: Ex. 7(A)

Privileged

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

Thank you
Tricia

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 4/5/2019 8:51:22 PM
To: Seager, Cheryl [Seager.Cheryl@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Gonzales, Kristina [Gonzales.Kristina@epa.gov]; Murdock, Russell [Murdock.Russell@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 7(A)

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

Efren

From: Seager, Cheryl
Sent: Friday, April 05, 2019 2:58 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Gonzales, Kristina <Gonzales.Kristina@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject Ex. 7(A)

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

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

Thanks for your help!!

Cheryl

Cheryl Seager | Director | Compliance Assurance and Enforcement Division | EPA Region 6| Mail Code 6EN | 1445 Ross Avenue| Suite 1200 | Dallas, TX 75202 | Phone 214-665-3114 |

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/2/2017 6:19:16 PM
To: Peters, Carol [Peters.Carol@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: Ex. 7(A)
Sent: Wednesday, March 1, 2017 2:53 PM
To: Ordonez, Efren; Nat Douglas; King, Carol
Cc: Debra Baker; Ex. 7(A)
Subject: Ex. 7(A)

Ex. 7(A)

Please let me know if you have any questions.

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/7/2019 1:20:26 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 7(A)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, March 06, 2019 7:39 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren <Ordonez.Efren@epa.gov>
Sent: Wednesday, March 6, 2019 7:27 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; King, Carol <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From Ex. 7(A)
Sent: Wednesday, March 06, 2019 11:34 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Subject: Ex. 7(A)

Efren –

Please find the requested exhibit attached.

Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/27/2017 5:43:04 PM
To: Ex. 7(A)
CC: Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 7(A)

From: Ex. 7(A)
Sent: Monday, February 27, 2017 9:02 AM
To: Ordonez, Efren; Debra Baker; Ceil Price
Cc: Nat Douglas; King, Carol; Zimny, James; Peters, Carol; Makepeace, Caroline; Ex. 7(A)
Subject: RE: Ex. 7(A)

Efren –

Ex. 7(A)

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ordonez, Efren [mailto:Ordonez.Efren@epa.gov]
Sent: Friday, February 24, 2017 7:45 PM
To: Ex. 7(A) Debra Baker; Ceil Price
Cc: Nat Douglas; King, Carol; Zimny, James; Peters, Carol; Makepeace, Caroline
Subject: Ex. 7(A)

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/14/2019 11:43:19 PM
To: Nat Douglas [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol (King.Carol@epa.gov); Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; phillip.ledbetter (phillip.ledbetter@oag.texas.gov) [phillip.ledbetter@oag.texas.gov]
Subject: Ex. 7(A)
Attachments: Jason draft cd 2-14-19b.docx

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

Efren

From: Ordonez, Efren
Sent: Thursday, February 14, 2019 1:26 PM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol (King.Carol@epa.gov) <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; phillip.ledbetter (phillip.ledbetter@oag.texas.gov) <phillip.ledbetter@oag.texas.gov>
Subject: RE Ex. 7(A)

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

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

From: Ordonez, Efren
Sent: Thursday, February 14, 2019 11:05 AM
To: Nat Douglas <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol (King.Carol@epa.gov) <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; phillip.ledbetter (phillip.ledbetter@oag.texas.gov) <phillip.ledbetter@oag.texas.gov>
Subject: Ex. 7(A)

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

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

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/24/2017 4:08:20 PM
To: Nat Douglas [nathaniel.douglas@usdoj.gov]; King, Carol [King.Carol@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Ex. 7(A)
Attachments:

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

Efren

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/13/2017 9:55:40 PM
To: King, Carol [King.Carol@epa.gov]
Subject: Re: Ex. 7(A)

I am available tomorrow for the call with Makepeace. Just let me know when.
Efren

From: King, Carol
Sent: Monday, February 13, 2017 3:16:52 PM
To: Ordonez, Efren
Cc: Nat Douglas
Subject: RE: Ex. 7(A)

I'm reaching out to her.

From: Ordonez, Efren
Sent: Monday, February 13, 2017 3:33 PM
To: King, Carol <King.Carol@epa.gov>
Cc: Nat Douglas <nathaniel.douglas@usdoj.gov>
Subject: Fw: Ex. 7(A)

Is it possible to talk to Caroline Makepeace today?
Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, February 13, 2017 2:06 PM
To: King, Carol; Ordonez, Efren
Subject Ex. 7(A)

Ex. 5 AC/DP

From: King, Carol [mailto:King.Carol@epa.gov]
Sent: Monday, February 13, 2017 12:41 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: Houston

Hi Nat and Efren,

Ex. 6 Personal Privacy (PP)

Thanks,
Carol

From: Ordonez, Efren
Sent: Monday, February 13, 2017 11:09 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>
Subject: Re: S Ex. 7(A)

I am available any of those times and dates.
Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, February 13, 2017 9:55:24 AM
To: King, Carol; Ordonez, Efren
Subject: FW Ex. 7(A)

Ex. 7(A)

From: Ex. 7(A)
Sent: Tuesday, February 07, 2017 6:09 PM
To: King, Carol <King.Carol@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ceil Price <CPrice@BakerWotring.com>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Amy Davis (Amy.Davis@texasattorneygeneral.gov) <Amy.Davis@texasattorneygeneral.gov>; Emily Petrick (Emily.Petrick@texasattorneygeneral.gov) <Emily.Petrick@texasattorneygeneral.gov>; Ex. 7(A)
Subject: Ex. 7(A)

Carol –

Ex. 7(A)

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ex. 7(A)
Sent: Tuesday, February 07, 2017 4:19 PM
To: King, Carol
Cc: Debra Baker; Ceil Price; Zimny, James; Peters, Carol; Ordonez, Efren; Douglas, Nathaniel (ENRD); Amy Davis (Amy.Davis@texasattorneygeneral.gov); Emily Petrick (Emily.Petrick@texasattorneygeneral.gov); Ex. 7(A)
Subject: Ex. 7(A)

Carol –

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: King, Carol [mailto:King.Carol@epa.gov]
Sent: Friday, February 03, 2017 10:48 AM
To: Ex. 7(A)
Cc: Debra Baker; Ceil Price; Zimny, James; Peters, Carol; Ordonez, Efren; Douglas, Nathaniel (ENRD); Amy Davis (Amy.Davis@texasattorneygeneral.gov); Emily Petrick (Emily.Petrick@texasattorneygeneral.gov)
Subject: RE: Ex. 7(A)

Hi Phillip,

Ex. 7(A)

Thanks,
Carol

Carol DeMarco King, Attorney-Advisor
United States Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office of Civil Enforcement/Water Enforcement Division
1200 Pennsylvania Ave., NW (Mail Code 2243A)
Washington, DC 20460
Phone: (202) 564-2412
Fax: (202) 564-0024
Email: king.carol@epa.gov

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From: Ex. 7(A)
Sent: Wednesday, January 11, 2017 3:47 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Amy Davis (Amy.Davis@texasattorneygeneral.gov) <Amy.Davis@texasattorneygeneral.gov>; Emily Petrick (Emily.Petrick@texasattorneygeneral.gov) <Emily.Petrick@texasattorneygeneral.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ceil Price <CPrice@BakerWotring.com>; Ex. 7(A)
Ex. 7(A)
Subject: RE: SEP Exhibit 3 SWQMP 011117

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

From: Ex. 7(A)
Sent: Wednesday, January 11, 2017 2:46 PM
To: Efren Ordonez (Ordonez.Efren@epamail.epa.gov); Douglas, Nathaniel (ENRD); King, Carol; Amy Davis (Amy.Davis@texasattorneygeneral.gov); Emily Petrick (Emily.Petrick@texasattorneygeneral.gov)
Cc: Ex. 7(A) Debra Baker; Ceil Price
Subject: Ex. 7(A)

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/12/2019 2:40:33 PM
To: Carol Peters [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject:
Attachments: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: Rog, Morgan
Sent: Monday, March 11, 2019 4:19 PM
To: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 7(A)

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Sent: Monday, March 11, 2019 5:18 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Ex. 7(A)

Sounds good.

Ex. 5 Attorney Client (AC)

Thanks,
Phillip

From: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Monday, March 11, 2019 3:24 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP

From: Douglas, Nathaniel (ENRD)
Sent: Monday, March 11, 2019 4:20 PM
To: 'Debra Baker' <DBaker@BakerWotring.com>
Cc: Ex. 7(A)
Subject: RE Ex. 7(A)

Thanks.

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Monday, March 11, 2019 4:07 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Cc: Ex. 7(A)
Subject: Ex. 7(A)

Ex. 5 AC/AWP

Sent from my iPhone

On Mar 11, 2019, at 2:21 PM, Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov> wrote:

From: Douglas, Nathaniel (ENRD)
Sent: Monday, March 11, 2019 3:19 PM

Subject: RE Ex. 7(A)

Ex. 5 Deliberative Process (DP)

From: Fuller, Mark (ENRD) <MFuller@ENRD.USDOJ.GOV>
Sent: Monday, March 11, 2019 2:42 PM
To: DBaker@BakerWotring.com
Cc: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/8/2019 7:31:07 PM
To: Zimny, James [zimny.james@epa.gov]; Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Ledbetter, Phillip [Phillip.Ledbetter@oag.texas.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

-----Original Message-----
From: Zimny, James
Sent: Friday, March 08, 2019 1:03 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Friday, March 08, 2019 1:59 PM
To: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD)
Sent: Friday, March 8, 2019 1:54 PM
To: 'Debra Baker' <DBaker@BakerWotring.com>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Goodwin, Phillip - LGL <Phillip.Goodwin@houstontx.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Debra, will do so promptly. Nat

-----Original Message-----
From: Debra Baker <DBaker@BakerWotring.com>
Sent: Friday, March 8, 2019 1:49 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Goodwin, Phillip - LGL <Phillip.Goodwin@houstontx.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Sent from my iPhone

> On Mar 8, 2019, at 12:18 PM, Ordonez, Efren <Ordonez.Efren@epa.gov> wrote:
>

Ex. 7(A)

Ex. 7(A)

>
> Efren Ordóñez
> Senior Attorney (ORC)
> EPA, Region 6
> (214)665-2181
>
> <Appendix G - SEP - Exhibit 3-8-19.docx>

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/6/2019 4:53:44 PM
To: Ex. 7(A)
Subject: RE: Appendix F SEP

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Wednesday, March 06, 2019 10:34 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Subject: Re: Appendix F SEP

Ex. 7(A)

Thanks, Phillip
Sent from my Verizon LG Smartphone

------ Original message------
From: Ordonez, Efren
Date: Wed, Mar 6, 2019 10:13 AM
To Ex. 7(A)
Cc:
Subject:RE: Appendix F SEP

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Tuesday, March 05, 2019 5:40 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Appendix X

Nat –

Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Tuesday, March 5, 2019 3:50 PM
To: Debra Baker <DBaker@BakerWotring.com>
Cc: Ex. 7(A) Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Appendix X

Ex. 7(A)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Tuesday, March 5, 2019 4:25 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Ex. 7(A) Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Re: Appendix X

Ex. 7(A) re

Sent from my iPhone

On Mar 4, 2019, at 8:35 PM, Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov> wrote:

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 5/14/2019 5:40:24 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Efren

From: McDonald, Scott
Sent: Tuesday, May 14, 2019 12:13 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Gilrein, Stephen <gilrein.stephen@epa.gov>
Subject: Ex. 7(A)

Efren,

Ex. 5 Attorney Client (AC)

Scott

From: Payne, James
Sent: Monday, May 13, 2019 11:02 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Fwd: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James" <payne.james@epa.gov>
> **Date:** May 13, 2019 at 10:59:31 PM CDT
> **To:** "Gray, David" <gray.david@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Chiang, I-Jung" <chiang.i-jung@epa.gov>, "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gilrein, Stephen" <gilrein.stephen@epa.gov>, "Saunders, Jerry" <Saunders.Jerry@epa.gov>
> **Cc:** "Ordonez, Efren" <Ordonez.Efren@epa.gov>, "McDonald, Scott" <mcdonald.scott@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
> **Subject:** Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Sent from my iPhone

Begin forwarded message:

From: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Date: May 3, 2019 at 1:01:32 PM CDT
To: "Payne, James" <payne.james@epa.gov>
Cc: "Koslow, Karin" <Koslow.Karin@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: Fw: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -- > Sum Up

Jim --

Ex. 5 Attorney Client (AC)

Rosemarie

From: Gelber, Bruce (ENRD) <Bruce.Gelber@usdoj.gov>
Sent: Friday, May 3, 2019 11:46 AM
To: Mariani, Tom (ENRD)
Cc: Starfield, Lawrence; Kelley, Rosemarie; Patterson, Kenneth; Mackey, Cyndy; DeLeon, Rafael; Leff, Karin
Subject: Re: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

Ex. 5 Attorney Client (AC)

Sent from my iPhone

On May 3, 2019, at 11:45 AM, Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV> wrote:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, May 3, 2019 11:33 AM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

Tom,

Ex. 5 Attorney Client (AC)

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, May 03, 2019 9:35 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; bruce.gelber@usdoj.gov
Subject: RE: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items --> Sum Up

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, May 3, 2019 8:29 AM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Subject: RE: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -->

Tom,

Ex. 5 Attorney Client (AC)

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, May 03, 2019 12:09 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>
Subject: Re: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -->

Hello, Rosemarie:

Ex. 5 Attorney Client (AC)

On May 2, 2019, at 8:14 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Tom –

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Rosemarie

From: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Sent: Wednesday, May 01, 2019 6:38 PM
To: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>
Subject: Monday May 6 EPA-ENRD Conference Call -- Checking for agenda items -->

Hello, Everyone:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks. TM

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 3/6/2019 4:13:20 PM
To: Ex. 7(A)
Subject: RE: Appendix F SEP

Ex. 7(A)

From: Ex. 7(A)
Sent: Tuesday, March 05, 2019 5:40 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Appendix X

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Tuesday, March 5, 2019 3:50 PM
To: Debra Baker <DBaker@BakerWotring.com>
Cc Ex. 7(A) Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Appendix X

Ex. 7(A)

From: Debra Baker <DBaker@BakerWotring.com>
Sent: Tuesday, March 5, 2019 4:25 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>
Cc: Ex. 7(A) Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Re: Appendix X

Ex. 7(A)

Sent from my iPhone

On Mar 4, 2019, at 8:35 PM, Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov> wrote:

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 5/9/2019 7:59:51 PM
To: Douglas, Nathaniel (ENRD) [Nathaniel.Douglas@usdoj.gov]; Zimny, James [zimny.james@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: RE: Appendix G - Annual Report Template
Attachments: Appendix G - Annual Template 4-9-19_2 pm DOJ (004).pdf

Ex. 5 Attorney Client (AC)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 09, 2019 2:33 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

James, thanks. Region 6 any comments. Nat

From: Zimny, James <zimny.james@epa.gov>
Sent: Thursday, May 9, 2019 2:40 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 9, 2019 12:58 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 7(A)

From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, May 8, 2019 4:54 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Wednesday, May 8, 2019 4:04 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Appendix G - Annual Report Template

Ex. 5 Attorney Client (AC)

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, May 08, 2019 2:33 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW: Appendix G - Annual Report Template

Ex. 7(A)

From: Ex. 7(A)
Sent: Wednesday, May 8, 2019 3:24 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Appendix G - Annual Report Template

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

Message

From: Ordonez, Efren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81C174FAEDA5479691C4A4EED25D4D9E-ORDONEZ, EFREN]
Sent: 2/28/2019 5:33:51 PM
To: Debra Baker [DBaker@BakerWotring.com]; Ex. 7(A)
CC: Nat Douglas [Nathaniel.Douglas@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: Ex. 7(A)
Attachments:

Here is the proposed CD. As before, we reserve the right to revise the language.

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

Appointment

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 2/19/2019 7:01:31 PM
To: McDonald, Scott [mcdonald.scott@epa.gov]; Payne, James [payne.james@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Murdock, James [Murdock.James@epa.gov]

Subject: Ex. 7(A)
Attachments: Ex. 7(A) Unresolved Issues Chart.2.14.19.docx
Location: Jim's office

Start: 2/20/2019 9:00:00 PM
End: 2/20/2019 10:00:00 PM
Show Time As: Busy

Please confirm availability. I have attached the unresolved issues chart for Ex. 7(A)

Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 4/22/2019 10:44:08 PM
To: Nathaniel.Douglas@usdoj.gov; Welton, Patricia [Welton.Patricia@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Murdock, Russell [Murdock.Russell@epa.gov]; Barnett, Cheryl [Barnett.Cheryl@epa.gov]
Subject: Fwd: Consent Decree
Attachments: Ex. 7(A)

Nat - this reads well to me. I'd like to ensure Patricia, Scott and some others here also have a chance to review.

Patrica - pls coordinate review by

Sent from my iPhone

Begin forwarded message:

From: "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Date: April 22, 2019 at 4:13:38 PM CDT
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: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>, "Snow, Corinne (ENRD)" <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 AC/AWP/DP, 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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Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 4/22/2019 10:42:13 PM
To: Ordonez, Efren [Ordonez.Efren@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Murdock, Russell [Murdock.Russell@epa.gov]; Barnett, Cheryl [Barnett.Cheryl@epa.gov]
Subject: Fwd: Consent Decree
Attachments: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

From: "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Date: April 22, 2019 at 4:13:38 PM CDT
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: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>, "Snow, Corinne (ENRD)" <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 AC/AWP/DP, 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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Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 4/26/2019 12:25:28 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: Fwd: Consent Decree
Attachments: Ex. 7(A)

Ex. 5 AC/DP

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James" <payne.james@epa.gov>
> **Date:** April 23, 2019 at 10:04:26 AM CDT
> **To:** "Bodine, Susan" <bodine.susan@epa.gov>, "Larry Starfield (Starfield.Lawrence@epa.gov)" <Starfield.Lawrence@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Cc:** "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gilrein, Stephen" <gilrein.stephen@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
> **Subject: FW: Consent Decree**
>
> Thank you!
>
> ---
>
> **From:** Bodine, Susan
> **Sent:** Tuesday, April 23, 2019 9:43 AM
> **To:** Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.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>; Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
> **Subject:** RE: Consent Decree
>
> Thanks Nat,
>
> Ex. 5 AC/AWP/DP, Ex. 7(a)
>
> Susan

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 AC/AWP/DP, 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
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713.594.2212 Cell
713.980.1700 Main
713.980.1701 Fax
dbaker@bakerwotring.com
www.bakerwotring.com

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Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 4/25/2019 5:25:01 PM
To: Gray, David [gray.david@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]
CC: Seager, Cheryl [Seager.Cheryl@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]
Subject:
Attachments:

Ex. 7(A)

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

Sent from my iPhone

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>
Date: April 23, 2019 at 10:04:26 AM CDT
To: "Bodine, Susan" <bodine.susan@epa.gov>, "Larry Starfield (Starfield.Lawrence@epa.gov)" <Starfield.Lawrence@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Cc: "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Gilrein, Stephen" <gilrein.stephen@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
Subject: FW: Consent Decree

Thank you!

From: Bodine, Susan
Sent: Tuesday, April 23, 2019 9:43 AM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.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>; Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>
Subject: RE: Consent Decree

Thanks Nat,

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

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

Susan

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 AC/AWP/DP, 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
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600 Travis Street
Houston, TX 77002
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dbaker@bakerwotring.com
www.bakerwotring.com

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Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 7/5/2019 12:35:12 PM
To: Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: McDonald, Scott [mcdonald.scott@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Payne, James [payne.james@epa.gov]
Subject: Re: Ex. 7(A)

Just to clarify

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

Thanks for all of your efforts!
Tricia

On Jul 5, 2019, at 7:27 AM, Vaughn, Alan <Vaughn.Alan@epa.gov> wrote:

Scott,

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

Alan

From: McDonald, Scott
Sent: Wednesday, July 03, 2019 4:11 PM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW: Ex. 7(A)

Alan,

FYI: please read below:

From: Welton, Patricia
Sent: Wednesday, July 03, 2019 8:39 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: Seager, Cheryl <Seager.Cheryl@epa.gov>; Payne, James <payne.james@epa.gov>
Subject: Ex. 7(A)

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

Thanks

Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 7/15/2019 8:18:30 PM
To: Payne, James [payne.james@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]
Subject: Ex. 5 DP / Ex. 7(A)

Attorney Client/Settlement Confidential

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

Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 7/12/2019 1:04:55 AM
To: McDonald, Scott [mcdonald.scott@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]; Payne, James [payne.james@epa.gov]
Subject: Re: Ex. 7(A) EPA CD call 7/11/2019

Thank you

On Jul 11, 2019, at 7:15 PM, McDonald, Scott <mcdonald.scott@epa.gov> wrote:

Tricia,

Ex. 7(A)

Scott

From: Herbert, Rusty
Sent: Thursday, July 11, 2019 1:52 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Subject: Ex. 7(A) OJ/EPA CD call 7/11/2019

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

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

Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 7/19/2019 12:10:07 AM
To: Seager, Cheryl [Seager.Cheryl@epa.gov]; Payne, James [payne.james@epa.gov]
Subject: FW: Ex. 7(A)

From OECA:

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

From: Welton, Patricia
Sent: Thursday, July 18, 2019 6:57 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: Re: Ex. 7(A)

Thank you for your email.

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

On Jul 18, 2019, at 5:54 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Tricia –

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

Rosemarie

From: Welton, Patricia
Sent: Tuesday, July 16, 2019 3:14 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Ex. 7(A)

Thank you Rosemarie

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

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

Tricia

From: Kelley, Rosemarie
Sent: Tuesday, July 16, 2019 1:59 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: FW: Ex. 7(A)

Tricia –

Here is the email exchange I had with Cheryl yesterday.

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

Rosemarie

From: Kelley, Rosemarie
Sent: Monday, July 15, 2019 1:29 PM
To: Seager, Cheryl <Seager.Cheryl@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: Ex. 7(A)

Cheryl—

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

Rosemarie

From: Seager, Cheryl
Sent: Monday, July 15, 2019 1:24 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Ex. 7(A)

Have you heard about this? Trying to get a status of the discussion on the call.

From: "Carroll, Thomas (ENRD)" <Thomas.Carroll@usdoj.gov>
Date: July 15, 2019 at 10:16:14 AM CDT
To: "Peters, Carol" <Peters.Carol@epa.gov>, "Vaughn, Alan" <Vaughn.Alan@epa.gov>, "Zimny, James" <zimny.james@epa.gov>, "Herbert, Rusty" <Herbert.Rusty@epa.gov>
Subject: Ex. 7(A)

Team,

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

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

T.C.

Message

From: Herbert, Rusty [Herbert.Rusty@epa.gov]
Sent: 6/4/2019 8:00:23 PM
To: Payne, James [payne.james@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: Ex. 7(A) Weekly Update 6/4/19

Subject: Ex. 7(A) Weekly Update 6/4/19

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

The case team is currently updating Appendix references and numbering for the next case team meeting on 6/10/19.

Message

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 5/21/2019 9:54:41 PM
To: Payne, James [payne.james@epa.gov]
CC: Welton, Patricia [Welton.Patricia@epa.gov]
Subject:
Attachments:

Ex. 7(A)

Jim,

Carol confirms that the attachment is the last (or current) draft of CD dated April. Thanks –

Scott

From: Peters, Carol
Sent: Tuesday, May 21, 2019 4:52 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>
Subject: FW

Ex. 7(A)

This is the last (draft CD) we sent t

Ex. 7(A)

From: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Sent: Wednesday, May 1, 2019 9:16 AM
To: Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: FW: Consent Decree

Ex. 7(A)

All,

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

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

Brandon

From: Robers, Brandon (ENRD)
Sent: Wednesday, May 1, 2019 10:04 AM
To: 'Nathan Vassar' <nvassar@lglawfirm.com>
Cc: Ex. 7(A) 'Jose de la Fuente' <jdelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; 'Paige Hamilton' <phamilton@lglawfirm.com>; 'Rog, Morgan' <Rog.Morgan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; 'Steinbach, Mark' <Mark.Steinbach@oag.texas.gov>
Subject: RE: Consent Decre Ex. 7(A)

Nathan,

Ex. 7(A)

Brandon

From: Robers, Brandon (ENRD)
Sent: Wednesday, April 10, 2019 3:19 PM
To: 'Nathan Vassar' <nvassar@lglawfirm.com>
Cc: Ex. 7(A); Jose de la Fuente <jdelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; Paige Hamilton <phamilton@lglawfirm.com>; Rog, Morgan <Rog.Morgan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Consent Decree Ex. 7(A)

Nathan,

Ex. 7(A)

Ex. 7(A)

Brandon

From: Nathan Vassar <nvassar@lglawfirm.com>
Sent: Wednesday, April 10, 2019 9:53 AM
To: Robers, Brandon (ENRD) <BRobers@ENRD.USDOJ.GOV>
Cc: Ex. 7(A) Jose de la Fuente <jdelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; Paige Hamilton <phamilton@lglawfirm.com>
Subject: Consent Decree Ex. 7(A)

Brandon,

See attached for Ex. 7(A) Consent Decree, redlined against the EPA's most recent version.

Nathan

NATHAN E. VASSAR
Principal
512-322-5867 Direct
434-907-4058 Cell
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, TX 78701
www.lglawfirm.com | 512-322-5800
News | vCard | LinkedIn | Bio

****ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT ****

A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

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Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 5/20/2019 10:58:05 AM
To: McDonald, Scott [mcdonald.scott@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]; Payne, James [payne.james@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 5 AC/DP

On May 19, 2019, at 1:42 PM, McDonald, Scott <mcdonald.scott@epa.gov> wrote:

Jim,

Ex. 5 AC/DP

Thanks,
Scott

Sent from my iPhone

On May 18, 2019, at 4:16 PM, Payne, James <payne.james@epa.gov> wrote:

Good point.

Ex. 5 AC/DP

Sent from my iPhone

On May 17, 2019, at 4:40 PM, Welton, Patricia <Welton.Patricia@epa.gov> wrote:

Tuesday morning is business review. I am off Wednesday afternoon and Thursday so Wed morning after senior staff would be best for me.
Thanks

On May 17, 2019, at 4:36 PM, McDonald, Scott <mcdonald.scott@epa.gov> wrote:

Jim,

Thanks for your response, and "yes" for me on Tuesday morning.

Scott

From: Payne, James
Sent: Friday, May 17, 2019 4:13 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>

Subject: RE: Ex. 7(A)
22

I'm available, except possibly for 1-2:30pm central. To

Ex. 5 AC/DP

From: McDonald, Scott
Sent: Friday, May 17, 2019 3:59 PM
To: Payne, James <payne.james@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: FW: Ex. 7(A)
22

All,

Ex. 5 AC/DP

Before I send a Scheduler invitation, I wanted to check your availability for Wed. I will schedule the call for the time when most can participate. Thanks –

Scott McDonald, Chief
Water Enforcement Branch
Office of Regional Counsel
Environmental Protection Agency, Region 6
(214) 665-2718

From: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Sent: Wednesday, May 15, 2019 5:58 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>

Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Ex. 7(A)

Ex. 5 AC/DP

On May 15, 2019, at 6:55 PM, McDonald, Scott <mcdonald.scott@epa.gov> wrote:

Brandon,

Ex. 5 AC/DP

Thanks,
Scott

From: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Sent: Wednesday, May 15, 2019 4:11 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>

Ex. 7(A)

Rusty and Scott,

Ex. 5 AC/DP

Ex. 5 AC/DP

Brandon

Trial Attorney
Environmental
Enforcement Section
US Department of Justice
PO Box 7611 Ben
Franklin Station
Washington, DC 20044
o: 202.514.5292
c: Ex. 6 Personal Privacy (PP)
e: brandon.robers@usdoj.gov

Overnight deliveries:
601 D St., NW
Room 8924
Washington, DC 20004

<consent_decree_memo_updated_0.pdf>

Message

From: McDonald, Scott [mcdonald.scott@epa.gov]
Sent: 4/23/2019 9:42:03 PM
To: Welton, Patricia [Welton.Patricia@epa.gov]
CC: Payne, James [payne.james@epa.gov]
Subject: RE: Scheduling Letters For Judicial Cases

Tricia,

Ex. 5 AC/DP

Brandon

From: Welton, Patricia
Sent: Monday, April 22, 2019 8:46 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Re: Scheduling Letters For Judicial Cases

Thanks
I am sharing this with Jim as he had requested it last Friday.

Ex. 5 AC/DP

Tricia

On Apr 22, 2019, at 6:57 PM, McDonald, Scott <mcdonald.scott@epa.gov> wrote:

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Welton, Patricia
Sent: Wednesday, April 17, 2019 3:16 PM
To: Murdock, Russell <Murdock.Russell@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>
Subject: FW: Case Sheets For Judicial Cases

Ex. 5 AC/DP

From: Welton, Patricia
Sent: Monday, April 15, 2019 3:01 PM
To: Barnett, Cheryl <barnett.cheryl@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>
Cc: Thompson, Steve <thompson.steve@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>
Subject: Case Sheets For Judicial Cases

Thank you Cheryl for setting up the SharePoint site below for your staff to upload a case sheet filled out for each judicial case. I am attaching the model that can also be found on the sharepoint site. There is a

Ex. 5 AC/DP

Ex. 5 AC/DP

Please have these emailed to you separately as I expect we will have more work on these with you and Jim next week.

Thank you
Tricia

Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 4/23/2019 1:17:25 AM
To: Payne, James [payne.james@epa.gov]
Subject: Re: Consent Decree

Ex. 5 AC/DP

On Apr 22, 2019, at 6:37 PM, Payne, James <payne.james@epa.gov> wrote:

Ex. 5 AC/DP

DRAFT

Ex. 5 AC/DP

Sent from my iPhone

Begin forwarded message:

From: "Douglas, Nathaniel (ENRD)" <Nathaniel.Douglas@usdoj.gov>
Date: April 22, 2019 at 4:13:38 PM CDT
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: "Gelber, Bruce (ENRD)" <Bruce.Gelber@usdoj.gov>, "Snow, Corinne (ENRD)" <Corinne.Snow@usdoj.gov>
Subject: FW: Consent Decree

Ex. 5 AC/DP

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
Ex. 6 Personal Privacy (PP)
713.980.1700 Main
713.980.1701 Fax
dbaker@bakerwotring.com
www.bakerwotring.com

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Ex. 7(A)

Message

From: Carroll, Thomas (ENRD) [Thomas.Carroll@usdoj.gov]
Sent: 7/24/2019 3:35:32 PM
To: Zimny, James [zimny.james@epa.gov]; Steinbach, Mark [Mark.Steinbach@oag.texas.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Thanks. I will review and let you know if we need to discuss.

From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, July 24, 2019 11:31 AM
To: Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>; Steinbach, Mark <Mark.Steinbach@oag.texas.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

-James

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Tuesday, July 23, 2019 1:10 PM
To: Steinbach, Mark <Mark.Steinbach@oag.texas.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Team,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

T.C.

Message

From: Ordonez, Efren [Ordonez.Efren@epa.gov]
Sent: 5/13/2019 2:56:11 PM
To: Zimny, James [zimny.james@epa.gov]
CC: Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: FW: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, May 10, 2019 12:17 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Friday, May 10, 2019 10:27 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Vaughn, Alan
Sent: Friday, May 10, 2019 8:44 AM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Alan

From: Zimny, James
Sent: Thursday, May 09, 2019 3:32 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog,

Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Thursday, May 9, 2019 4:00 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 09, 2019 2:33 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan

<Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Ex. 7(A)

James, thanks. Region 6 any comments. Nat

From: Zimny, James <zimny.james@epa.gov>
Sent: Thursday, May 9, 2019 2:40 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, May 9, 2019 12:58 PM
To: Zimny, James <zimny.james@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Ledbetter, Phillip <Phillip.Ledbetter@oag.texas.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

From: Zimny, James <zimny.james@epa.gov>
Sent: Wednesday, May 8, 2019 4:54 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 Attorney Client (AC)

From: Ordonez, Efren
Sent: Wednesday, May 8, 2019 4:04 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: RE Ex. 7(A)

Ex. 5 AC/DP

Efren

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Wednesday, May 08, 2019 2:33 PM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW Ex. 7(A)

Ex. 5 AC/DP

From: Ex. 7(A)
Sent: Wednesday, May 8, 2019 3:24 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Ex. 7(A)

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

Ex. 7(A)

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 2/21/2019 9:41:48 PM
To: Zimny, James [zimny.james@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject: FW: Response to Last CD Version
Attachments: Ex. 7(A)

FYI

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Rog, Morgan
Sent: Thursday, February 21, 2019 4:41 PM
To: Ex. 7(A) Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <ordonez.efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: Response to Last CD Version

All,

Ex. 7(A)

Thanks,

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Ex. 7(A)
Sent: Thursday, February 21, 2019 12:46 PM
To: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; Debra Baker <DBaker@BakerWotring.com>
Cc: Ordonez, Efren <ordonez.efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Response to Last CD Version

Nat –

Ex. 7(A)

Thanks,

Ex. 7(A)

Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, February 21, 2019 9:55 AM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Response to Last CD Version

Ex. 7(A)

Message

From: Edelbrock, Judy [Edelbrock.Judy@epa.gov]
Sent: 4/17/2017 6:53:06 PM
To: Palit, Ted [palit.ted@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
Subject:
Attachments:

Ex. 7(A)

Ex. 5 Attorney Client (AC)

Thanks,
Judy

From: Palit, Ted
Sent: Monday, April 10, 2017 11:17 AM
To: Peters, Carol <Peters.Carol@epa.gov>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

Ted

From: Peters, Carol
Sent: Monday, April 10, 2017 10:29 AM
To: Palit, Ted <palit.ted@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/DP

From: Douglas, Nathaniel (ENRD) [mailto:Nathaniel.Douglas@usdoj.gov]
Sent: Sunday, April 09, 2017 11:35 AM
To: Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A)

From: Ex. 7(A)
Sent: Thursday, April 06, 2017 12:53 PM
To: Douglas, Nathaniel (ENRD) <NDouglas@ENRD.USDOJ.GOV>; Efren Ordonez (Ordonez.Efren@epamail.epa.gov) <Ordonez.Efren@epamail.epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject: Ex. 7(A)

All –

Ex. 7(A)

Thanks,

Ex. 7(A)

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Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 7/19/2019 3:31:03 PM
To: Elder-Schweers, Pam [elder-schweers.pam@epa.gov]
Subject: FW: Ex. 7(A)

From: McDonald, Scott
Sent: Friday, July 19, 2019 9:52 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ex. 7(A)

Alan,

Your draft language looks fine to me.

Scott

Sent from my iPhone

On Jul 19, 2019, at 9:02 AM, Vaughn, Alan <Vaughn.Alan@epa.gov> wrote:

Ex. 5 DP / Ex. 7(A)

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

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

From: Peters, Carol
Sent: Friday, July 19, 2019 8:36 AM
To: Saunders, Jerry <Saunders.Jerry@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Saunders, Jerry
Sent: Friday, July 19, 2019 6:46 AM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>
Subject: Fwd: Corpus Christi write-up for RA's case book

This looks good to me

Sent from my iPhone

Begin forwarded message:

> **From:** "McDonald, Scott" <mcdonald.scott@epa.gov>
> **Date:** July 18, 2019 at 1:41:53 PM CDT
> **To:** "Herbert, Rusty" <Herbert.Rusty@epa.gov>
> **Cc:** "Saunders, Jerry" <Saunders.Jerry@epa.gov>, "Peters, Carol" <Peters.Carol@epa.gov>, "Vaughn, Alan" <Vaughn.Alan@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
> **Subject:** Ex. 7(A)
>
> Rusty,

Thanks for sending. Looks good. I copied Alan, Carol, Jerry, and Tricia to see if they have any comments, additions, or edits. Once we land on a final version, please post to the SharePoint site.

Scott

From: Herbert, Rusty
Sent: Thursday, July 18, 2019 8:49 AM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RA's case book

Scott, here is a draft of the new page for the RA's case book. Do we want to send it along to the program for their input as well ?

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

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

Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 6/25/2019 9:35:10 PM
To: Carroll, Thomas (ENRD) [Thomas.Carroll@usdoj.gov]; Steinbach, Mark [Mark.Steinbach@oag.texas.gov]; Zimny, James [zimny.james@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]
Subject: Ex. 7(A)
Attachments: ENV_ENFORCEMENT-#2816834-v1-

Ex. 7(A)

Forgot the attachment

From: Peters, Carol
Sent: Tuesday, June 25, 2019 4:35 PM
To: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>; Steinbach, Mark <Mark.Steinbach@oag.texas.gov>; Zimny, James <zimny.james@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Tuesday, June 25, 2019 4:05 PM
To: Steinbach, Mark <Mark.Steinbach@oag.texas.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: Ex. 7(A)

Team,

Ex. 5 Attorney Client (AC)

Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 5/21/2019 9:51:39 PM
To: McDonald, Scott [mcdonald.scott@epa.gov]
CC: Vaughn, Alan [vaughn.alan@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]
Subject: FW: Consent Decree Ex. 7(A)
Attachments: Ex. 7(A)

I think this is the last one we sen Ex. 7(A)

From: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Sent: Wednesday, May 1, 2019 9:16 AM
To: Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: FW: Consent Decree Ex. 7(A)

All,

Ex. 5 Attorney Client (AC)

Brandon

From: Robers, Brandon (ENRD)
Sent: Wednesday, May 1, 2019 10:04 AM
To: 'Nathan Vassar' <nvassar@lglawfirm.com>
Cc: Ex. 7(A) <idelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; 'Paige Hamilton' <phamilton@lglawfirm.com>; 'Rog, Morgan' <Rog.Morgan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>;

'Steinbach, Mark' <Mark.Steinbach@oag.texas.gov>
Subject: RE: Consent Decree - Ex. 7(A)

Nathan,

Ex. 7(A)

Brandon

From: Robers, Brandon (ENRD)
Sent: Wednesday, April 10, 2019 3:19 PM
To: 'Nathan Vassar' <nvassar@lglawfirm.com>
Cc: Ex. 7(A) Jose de la Fuente <jdelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; Paige Hamilton <phamilton@lglawfirm.com>; Rog, Morgan <Rog.Morgan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Ex. 7(A)

Nathan,

Ex. 7(A)

Brandon

From: Nathan Vassar <nvassar@lglawfirm.com>
Sent: Wednesday, April 10, 2019 9:53 AM
To: Robers, Brandon (ENRD) <BRobers@ENRD.USDOJ.GOV>
Cc: Ex. 7(A) Jose de la Fuente

<jdelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; Paige Hamilton <phamilton@lglawfirm.com>
Subject: Consent Decree Ex. 7(A)

Brandon,

Ex. 7(A)

Nathan

NATHAN E. VASSAR
Principal
512-322-5867 Direct
434-907-4058 Cell
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, TX 78701
www.lglawfirm.com | 512-322-5800
News | vCard | LinkedIn | Bio

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Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 5/9/2019 4:07:22 PM
To: Vaughn, Alan [vaughn.alan@epa.gov]
Subject: FW: Ex. 7(A)

Ex. 5 AC/DP

From: Peters, Carol
Sent: Thursday, May 9, 2019 11:06 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/DP

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Wednesday, May 8, 2019 1:48 PM
To: Payne, James <payne.james@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; steven.shermer@usdoj.gov; Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Subject: RE: Ex. 7(A)

Jim,

Ex. 5 AC/DP

T.C.

From: Payne, James <payne.james@epa.gov>
Sent: Wednesday, May 8, 2019 2:19 PM
To: Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: RE: Ex. 7(A)

Hi Tom,

Ex. 5 AC/DP

Please let us know if there has been any change to the above.

Jim

From: Herbert, Rusty
Sent: Wednesday, May 08, 2019 10:20 AM
To: Payne, James <payne.james@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject Ex. 7(A)

Ex. 5 AC/DP

Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 12/13/2018 3:33:55 PM
To: McDonald, Scott [mcdonald.scott@epa.gov]; Tom Rowlett [tom.rowlett@pgenv.com]; Jason Rose [jason.rose@pgenv.com]
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A)

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Monday, December 10, 2018 3:04 PM
To: King, Carol <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Ordonez, Efren <ordonez.efren@epa.gov>; Zimny, James <zimny.james@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Subject: FW:

From: Douglas, Nathaniel (ENRD)
Sent: Monday, December 10, 2018 4:01 PM
To: Debra Baker <DBaker@BakerWotring.com>; Ex. 7(A)
Subject:

Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 6/12/2018 5:08:45 PM
To: Edelbrock, Judy [Edelbrock.Judy@epa.gov]
Subject: FW: Ex. 7(A)

From: Palit, Ted
Sent: Thursday, April 28, 2016 8:46 AM
To: Ordonez, Efren <Ordonez.Efren@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Cc: Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Ordonez, Efren
Sent: Wednesday, April 27, 2016 1:32 PM
To: Palit, Ted <palit.ted@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Here is what I have so far regarding the memo. Ex. 5 Deliberative Process (DP) e know if you have any concerns or comments.

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

Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 5/25/2018 10:00:20 PM
To: Edelbrock, Judy [Edelbrock.Judy@epa.gov]
Subject: RE: Ex. 7(A)

Thank you, see you in about 2 weeks!

From: Edelbrock, Judy
Sent: Friday, May 25, 2018 4:59 PM
To: Peters, Carol <Peters.Carol@epa.gov>
Subject: RE: Ex. 7(A)

Carol,
How you manage to do 20 things at one time...amazing.
Enjoy the trip....eat, drink and be merry.
Judy

From: Peters, Carol
Sent: Friday, May 25, 2018 3:27 PM
To: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>; Zimny, James <zimny.james@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Smith, John A. (USATXS) <John.A.Smith@usdoj.gov>; Emily Powers <emily.powers@usdoj.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/DP

From: Robers, Brandon (ENRD) [mailto:Brandon.Robers@usdoj.gov]
Sent: Monday, May 21, 2018 2:11 PM
To: Zimny, James <zimny.james@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rog, Morgan

<Rog.Morgan@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>
Cc: Smith, John A. (USATXS) <John.A.Smith@usdoj.gov>; Emily Powers <emily.powers@usdoj.gov>
Subject: Fwd: Ex. 7(A)

All, see attached.

Begin forwarded message:

From: Nathan Vassar <nvassar@lglawfirm.com>
Date: May 21, 2018 at 1:31:41 PM EDT
To: "'Robers, Brandon (ENRD)'" <Brandon.Robers@usdoj.gov>
Cc: Miles Risley <MilesR@cctexas.com>, 'Mark Van Vleck' <MarkVV@cctexas.com>, "Lisa Aguilar [LGL]" <LisaA@cctexas.com>, Dan Grimsbo <DanG@cctexas.com>, Jose de la Fuente <jdelafuente@lglawfirm.com>, Anna Duke <aduke@lglawfirm.com>
Subject: Ex. 7(A)

Brandon,

Ex. 7(A)

Nathan

NATHAN E. VASSAR
Principal
512-322-5867 Direct
434-907-4058 Cell
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, TX 78701
www.lglawfirm.com | 512-322-5800
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Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 4/25/2018 3:38:43 PM
To: Gilrein, Stephen [gilrein.stephen@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]
Subject: FW: Consent Decree Redline - Ex. 7(A)
Attachments: Ex. 7(A)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Robers, Brandon (ENRD) [mailto:Brandon.Robers@usdoj.gov]
Sent: Friday, December 22, 2017 11:42 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Smith, John A. (USATXS) <John.A.Smith@usdoj.gov>; Emily Powers <emily.powers@usdoj.gov>; Steinbach, Mark <Mark.Steinbach@oag.texas.gov>
Subject: FW: Consent Decree Redline - Ex. 7(A)

All,

Ex. 5 AC/DP

Brandon

From: Nathan Vassar [mailto:nvassar@lglawfirm.com]
Sent: Friday, December 22, 2017 12:18 PM
To: Robers, Brandon (ENRD) <BRobers@ENRD.USDOJ.GOV>
Cc: Powers, Emily (ENRD) <EPowers@ENRD.USDOJ.GOV>; Ex. 7(A) Ex. 7(A) Jose de la Fuente <jdelafuente@lglawfirm.com>; 'Andes, Fredric' <Fredric.Andes@btlaw.com>; Anna Duke <aduke@lglawfirm.com>
Subject: Consent Decree Redline - Ex. 7(A)

Brandon,

Ex. 7(A)

Best,

Nathan

Nathan E. Vassar • Attorney
Lloyd Gosselink • Attorneys and Counselors
816 Congress Avenue, Suite 1900 • Austin, Texas 78701
512.322.5867 direct • 512.472.0532 fax
www.LGlawfirm.com

NATHAN E. VASSAR
ATTORNEY
512-322-5867 Direct
434-907-4058 Cell
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, TX 78701
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Message

From: Peters, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B403F20ACC04D079980C2C67405EE7A-PETERS, CAROL]
Sent: 8/15/2019 2:33:28 PM
To: Carroll, Thomas (ENRD) [Thomas.Carroll@usdoj.gov]; Steinbach, Mark [Mark.Steinbach@oag.texas.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Zimny, James [zimny.james@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: steven.shermer@usdoj.gov
Subject: RE: Tel. Call with Nathan Vassar on Wednesday, 8/13/2019

Thank you for the update. I will only be available Monday and Tuesday next week.

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Thursday, August 15, 2019 9:08 AM
To: Steinbach, Mark <Mark.Steinbach@oag.texas.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: steven.shermer@usdoj.gov
Subject: Tel. Call with Nathan Vassar on Wednesday, 8/13/2019

Gang,

Ex. 5 Attorney Client (AC)

T.C.

Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 4/8/2019 8:51:07 PM
To: Seager, Cheryl [Seager.Cheryl@epa.gov]
Subject: FW: Ex. 7(A)

confidential

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/AWP/DP, Ex. 7(a)

Larry

Sent from my iPhone

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

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

Thank you for your consideration
Tricia
214-665-7327

Ex. 7(A)

Message

From: Edelbrock, Judy [Edelbrock.Judy@epa.gov]
Sent: 8/15/2019 2:20:28 PM
To: Vaughn, Alan [Vaughn.Alan@epa.gov]
CC: Thomas.Carroll@USDOJ.GOV
Subject: RE: Tel. Call with Nathan Vassar on Wednesday, 8/13/2019

Alan,
Thank you and let me know if there is anything else I need to provide Ex. 7(A)
Judy

From: Vaughn, Alan <Vaughn.Alan@epa.gov>
Sent: Thursday, August 15, 2019 9:11 AM
To: Edelbrock, Judy <Edelbrock.Judy@epa.gov>
Subject: FW: Tel. Call with Nathan Vassar on Wednesday, 8/13/2019

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Thursday, August 15, 2019 9:08 AM
To: Steinbach, Mark <Mark.Steinbach@oag.texas.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Zimny, James <zimny.james@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: steven.shermer@usdoj.gov
Subject: Tel. Call with Nathan Vassar on Wednesday, 8/13/2019

Gang,

This is a report on my weekly call with Vassar yesterday morning.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

T.C.

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 7/17/2019 7:43:11 PM
To: Payne, James [payne.james@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]
CC: Earle Herbert (Herbert.Rusty@epa.gov) [Herbert.Rusty@epa.gov]
Subject: Ex. 7(A)

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

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

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 6/27/2018 9:32:22 PM
To: McDonald, Scott [mcdonald.scott@epa.gov]
Subject: FW: Ex. 7(A) Updated Draft Consent Decree
Attachments: Ex. 7(A)

FYI only

From: Robers, Brandon (ENRD) [mailto:Brandon.Robers@usdoj.gov]
Sent: Wednesday, June 27, 2018 4:19 PM
To: Zimny, James <zimny.james@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Edelbrock, Judy <Edelbrock.Judy@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Emily Powers <emily.powers@usdoj.gov>
Subject: FW: Ex. 7(A) Updated Draft Consent Decree

All,

Ex. 5 Attorney Client (AC)

Brandon

From: Robers, Brandon (ENRD)
Sent: Wednesday, June 27, 2018 5:15 PM
To: 'Nathan Vassar' <nvassar@lglawfirm.com>
Cc: 'Steinbach, Mark' <Mark.Steinbach@oag.texas.gov>; Powers, Emily (ENRD) <EPowers@ENRD.USDOJ.GOV>; Smith, John A. (USATXS) (John.A.Smith@usdoj.gov) <John.A.Smith@usdoj.gov>
Subject: Ex. 7(A) Updated Draft Consent Decree

Nathan,

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

Brandon

Trial Attorney
Environmental Enforcement Section
US Department of Justice
PO Box 7611 Ben Franklin Station
Washington, DC 20044
o: 202.514.5292
c: 202.532.3168
e: brandon.robers@usdoj.gov

Overnight deliveries:
601 D St., NW

Room 8924
Washington, DC 20004

Message

From: Denton, Loren [Denton.Loren@epa.gov]
Sent: 4/29/2019 5:54:16 PM
To: Zimny, James [zimny.james@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
CC: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Baptista, Chrisna [Baptista.Chrisna@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: FW: Still looking for two items --- RE: Ex. 5 AC/DP

James, Morgan:

FYI

Ex. 5 AC/DP

Loren Denton, Chief
Municipal Branch
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
Washington, D.C. 20460
Phone: (202) 564-1148

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From: Makepeace, Caroline
Sent: Monday, April 29, 2019 1:42 PM
To: Denton, Loren <Denton.Loren@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cunningham, Caitlin <cunningham.caitlin@epa.gov>
Subject: RE: Still looking for two items --- Ex. 5 AC/DP

Sounds good. Thanks!

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

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From: Denton, Loren
Sent: Monday, April 29, 2019 1:41 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cunningham, Caitlin <cunningham.caitlin@epa.gov>
Subject: RE: Still looking for two items --- Ex. 5 AC/DP

Ex. 5 AC/DP

Loren Denton, Chief
Municipal Branch
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
Washington, D.C. 20460
Phone: (202) 564-1148

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From: Makepeace, Caroline
Sent: Monday, April 29, 2019 1:16 PM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cunningham, Caitlin <cunningham.caitlin@epa.gov>
Subject: Still looking for two items --- Ex. 5 AC/DP

Hi WED,
A tickler to remind you we are still looking for follow-up on two items – highlighted below. Need them by 4 at the very latest. 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: Makepeace, Caroline
Sent: Monday, April 29, 2019 10:11 AM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cunningham, Caitlin

<cunningham.caitlin@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Hi all,

Thanks for this. I've put into a Word Doc, attached. But had a few follow up questions:

Ex. 5 AC/DP

Still reviewing but wanted to get these follow-ups to you ASAP – many 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: Baptista, Chrisna
Sent: Friday, April 26, 2019 4:06 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Got it. Added requested info below.

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement

Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Fogarty, Johnpc
Sent: Friday, April 26, 2019 3:18 PM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: WED Ex. 5 AC/DP

Ex. 5 AC/DP

From: Baptista, Chrisna
Sent: Friday, April 26, 2019 2:29 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: WED Ex. 5 AC/DP

Ex. 5 AC/DP

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Baptista, Chrisna
Sent: Friday, April 26, 2019 2:02 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: WED Ex. 5 AC/DP

Hi Caroline,

Ex. 5 AC/DP

Chrisna

From: Fogarty, Johnpc
Sent: Thursday, April 25, 2019 5:32 PM

To: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: WED Ex. 5 AC/DP
Importance: High

Here's what's needed - please send to Caroline with cc to Amy and me:

Ex. 5 AC/DP

Ex. 5 AC/DP

Thx!

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 4/18/2019 8:53:51 PM
To: Baptista, Chrisna [Baptista.Chrisna@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: FW: Middletown - Updated SEP Summary

FYI. See emails below I sent to Caroline Makepeace re the Ex. 5 AC/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Thursday, April 18, 2019 4:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 6:10 PM
To: Prichard, Gary <prichard.gary@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 AC/DP

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: Prichard, Gary
Sent: Thursday, November 16, 2017 5:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Yes, you have that right.

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 2:28:35 PM
To: Prichard, Gary
Cc: Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 AC/DP

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

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From: Prichard, Gary
Sent: Thursday, November 16, 2017 2:43 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Caroline - Yes. I'm almost done with the new write up that makes that clear.

Thanks for your help on this. I think I was making it more complicated than it needed to be.

Gary

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 1:08:17 PM
To: Prichard, Gary
Cc: Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 AC/DP

Sent from my iPhone

On Nov 16, 2017, at 1:14 PM, Prichard, Gary <prichard.gary@epa.gov> wrote:

Ex. 5 AC/DP

From: Prichard, Gary
Sent: Thursday, November 16, 2017 12:12:09 PM
To: Makepeace, Caroline; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 AC/DP

From: Makepeace, Caroline
Sent: Thursday, November 16, 2017 12:01:13 PM
To: Prichard, Gary; Gonzalez, Sarah; McDaniel, Nicholas A. (ENRD); Robert.Darnell@USDOJ.GOV; Moody, Jonathan; Valdes, Carla
Subject: RE: Middletown - Updated SEP Summary

Gary and Sarah et al. –

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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From: Prichard, Gary
Sent: Wednesday, November 15, 2017 6:37 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Robert.Darnell@USDOJ.GOV; Moody, Jonathan <moody.jonathan@epa.gov>; Valdes, Carla <valdes.carla@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Caroline -Attached is a revised draft of the memo Sarah drafted addressing the four questions Caroline sent Sarah regarding the Middletown SEP. Please let me know if you believe that this is sufficient to explain why this should be an acceptable SEP.

Thanks,

Gary Prichard

Associate Regional Counsel

(312) 886-0570

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:15:00 PM
To: Prichard, Gary
Subject: RE: Middletown - Updated SEP Summary

sounds good. Thanks Gary.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Prichard, Gary
Sent: Wednesday, November 15, 2017 3:14 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: Re: Middletown - Updated SEP Summary

Ex. 5 AC/DP

From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:11:19 PM
To: Prichard, Gary
Subject: FW: Middletown - Updated SEP Summary

Gary,

here is the latest from Caroline (our SEP person).

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 AC/DP

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Is this the type of information you are looking for (see highlighted language below)? The case team is

Ex. 5 AC/DP

Ex. 5 AC/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -
This is very helpful, and thanks for putting it together.

Ex. 5 AC/DP

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement

US Environmental Protection Agency
202-564-6012

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From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 AC/DP

Ex. 5 AC/DP

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

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: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 AC/DP

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org)

<lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708
vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Please see the attached redlines, and the responses below. I believe the state is still reviewing the drafts.

CD and PCMP Appendix

We accepted almost all of your proposed changes. A couple notes/explanations:

- CD Paragraph 20 – If we're going to include the sentence allowing for a force majeure, we need to use the "best efforts" language rather than "diligent efforts." "Best efforts" has been used in other CDs, and it mirrors the language in the Force Majeure section itself.
- CD Paragraph 21 – Interest needs to accrue from the Effective Date, so we can't accept this deletion. The City can pay immediately upon entry and avoid any interest (which would be minimal anyway).

- PCMP wet weather sampling – We rejected this change; Middletown should take samples during wet weather both when CSOs are occurring and when they're not. At that point, the CSOs will not be discharging during most wet weather events.

SEP Questions

Thank you for the information about the proposed SEP. For our own internal process, we could use some additional details: What is in the sediments being capped? Why are those pollutants bad for public health and the environment? Will the capping prevent those sediments from being discharged into the river via the hydraulic canal? The more specifics you're able to provide, the better.

Total Civil Penalty

Ex. 7(A)

Ex. 7(A) Again, we recognize that the City would be agreeing to spend additional money on a SEP, which is why we are willing to accept a penalty that is much lower than our original offers, but the cash portion of the City's penalty must be significantly higher.

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

---

46 Offices in 20 Countries

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#US

Message

From: Denton, Loren [Denton.Loren@epa.gov]
Sent: 4/26/2019 6:49:56 PM
To: Baptista, Chrisna [Baptista.Chrisna@epa.gov]
CC: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Subject: Fwd: WED Ex. 5 AC/DP

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** "Bahk, Benjamin" <Bahk.Benjamin@epa.gov>
> **Date:** April 26, 2019 at 2:39:59 PM EDT
> **To:** "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>, "Theis, Joseph" <Theis.Joseph@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>
> **Cc:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Buterbaugh, Kristin" <Buterbaugh.Kristin@epa.gov>, "Cunningham, Caitlin" <cunningham.caitlin@epa.gov>
> **Subject: RE: WED** Ex. 5 AC/DP
>
> John,
>
> Ex. 5 AC/DP

Ex. 5 AC/DP

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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-----Original Message-----
From: Fogarty, Johnpc
Sent: Friday, April 26, 2019 11:25 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Ex. 5 AC/DP

Thx!

-----Original Message-----
From: Fogarty, Johnpc
Sent: Thursday, April 25, 2019 5:32 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: WED - Ex. 5 AC/DP
Importance: High

Here's what's needed - please send to Caroline with cc to Amy and me:

Ex. 5 AC/DP

Ex. 5 AC/DP

Thx!

Message

From: Theis, Joseph [Theis.Joseph@epa.gov]
Sent: 4/17/2019 2:17:37 PM
To: Baptista, Chrisna [Baptista.Chrisna@epa.gov]
Subject: RE: Ex. 5 AC/DP

Thanks Chrisna!

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

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From: Baptista, Chrisna
Sent: Wednesday, April 17, 2019 9:58 AM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Subject: FW: Ex. 5 AC/DP

You must have been inadvertently left off this.

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Bahk, Benjamin
Sent: Tuesday, April 16, 2019 12:49 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Raack, Melissa <Raack.Melissa@epa.gov>
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

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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From: Makepeace, Caroline
Sent: Tuesday, April 16, 2019 11:53 AM
To: King, Carol <King.Carol@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

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: King, Carol
Sent: Tuesday, April 16, 2019 11:33 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

I'll send you a list and put information in categories below.

From: Makepeace, Caroline
Sent: Tuesday, April 16, 2019 11:27 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

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: Pollins, Mark
Sent: Tuesday, April 16, 2019 11:00 AM
To: King, Carol <King.Carol@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: R Ex. 5 AC/DP

Thanks. We please forward to Caroline when ready.

Sent from my iPhone

On Apr 16, 2019, at 10:00 AM, King, Carol <King.Carol@epa.gov> wrote:

> Thanks Mark. We will have something for you today.

Ex. 5 AC/DP

Thanks, Carol

From: Pollins, Mark
Sent: Monday, April 15, 2019 5:48 PM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; King, Carol <King.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 AC/DP

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: Porter, Amy
Sent: Monday, April 15, 2019 10:40 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Ex. 5 AC/DP

I asked managers to send examples to you and John by COB tomorrow.

From: Makepeace, Caroline
Sent: Monday, April 15, 2019 10:28 AM
To: Porter, Amy <Porter.Amy@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Ex. 5 AC/DP

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: Porter, Amy
Sent: Monday, April 15, 2019 10:27 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Ex. 5 AC/DP

Yes, I can ask at the managers' meeting.

From: Makepeace, Caroline
Sent: Monday, April 15, 2019 10:15 AM
To: Porter, Amy <Porter.Amy@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Re: Ex. 5 AC/DP

Ex. 5 AC/DP

Sent from my iPhone

On Apr 15, 2019, at 10:01 AM, Porter, Amy <Porter.Amy@epa.gov> wrote:

Caroline –

Ex. 5 AC/DP

Ex. 5 AC/DP

Please let us know if any questions.

Amy

Cc:ing Susan O'Keefe who will be acting for me, Mark who will be acting for Rosemarie T-Th and Apple who will be acting for Rosemarie on Friday. As far as I know only Caroline (and John if he can make it) are actually attending the DOJ briefing but if anyone has any different info please let me know.

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 8/21/2019 7:24:18 PM
To: Baptista, Chrisna [Baptista.Chrisna@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
Subject: FW: Ex. 7(A) AAG memo on using SEPs in settlements with state and local governments
Attachments: enrd_state_and_local_sep_memo_public_8_21_19.pdf

FYI.

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: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Wednesday, August 21, 2019 1:51 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; R4ORC.SPECIALASSISTANT <R4ORC.SPECIALASSISTANT@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>
Cc: Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; Castillo, Jairo <Castillo.Jairo@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Sayre, Dennis <Sayre.Dennis@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; O'Lone, Dan <Olone.Dan@epa.gov>; Beckwith, Natalie <Beckwith.Natalie@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Johnson, Patrick <johnson.patrick@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Schwartz, Paul <Schwartz.Paul@epa.gov>; Smith, Stephen <Smith.Stephen@epa.gov>; Stopper, Nathan <stopper.nathan@epa.gov>; Wetherington, Michele <Wetherington.Michele@epa.gov>
Subject: FW: Ex. 7(A) AAG memo on using SEPs in settlements with state and local governments

FYI, in case you haven't seen this yet.

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Wednesday, August 21, 2019 1:40 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Ex. 7(A) AAG memo on using SEPs in settlements with state and local governments

Please see the attached memo from the AAG, posted on the ENRD website today,
https://www.justice.gov/enrd/selected-documents\
concerning the use of SEPs in settlements with state and local governments.

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 4/16/2019 7:10:03 PM
To: King, Carol [King.Carol@epa.gov]; Baptista, Chrisna [Baptista.Chrisna@epa.gov]
CC: Denton, Loren [Denton.Loren@epa.gov]
Subject: RE: Ex. 5 AC/DP

sounds good!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: King, Carol
Sent: Tuesday, April 16, 2019 3:09 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

I'm putting everything together now in one message and will email Caroline and John shortly.

Thanks,
Carol

From: Gonzalez, Sarah
Sent: Tuesday, April 16, 2019 12:36 PM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: $ Ex. 5 AC/DP

Ex. 5 AC/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Baptista, Chrisna
Sent: Tuesday, April 16, 2019 12:27 PM
To: King, Carol <King.Carol@epa.gov>
Cc: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: Ex. 5 AC/DP

Hi Carol,

Ex. 5 AC/DP

Ex. 5 AC/DP

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, April 16, 2019 11:53 AM
To: King, Carol <King.Carol@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks!

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

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From: King, Carol
Sent: Tuesday, April 16, 2019 11:33 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren

<Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

I'll send you a list and put information in categories below.

From: Makepeace, Caroline
Sent: Tuesday, April 16, 2019 11:27 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

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

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From: Pollins, Mark
Sent: Tuesday, April 16, 2019 11:00 AM
To: King, Carol <King.Carol@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 5 AC/DP

Thanks. We please forward to Caroline when ready.

Sent from my iPhone

On Apr 16, 2019, at 10:00 AM, King, Carol <King.Carol@epa.gov> wrote:

> Thanks Mark. We will have something for you today.

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks, Carol

From: Pollins, Mark
Sent: Monday, April 15, 2019 5:48 PM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; King, Carol <King.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: FW: Ex. 5 AC/DP

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: Porter, Amy
Sent: Monday, April 15, 2019 10:40 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Ex. 5 AC/DP

I asked managers to send examples to you and John by COB tomorrow.

From: Makepeace, Caroline
Sent: Monday, April 15, 2019 10:28 AM
To: Porter, Amy <Porter.Amy@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Ex. 5 AC/DP

Thanks!!

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

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From: Porter, Amy
Sent: Monday, April 15, 2019 10:27 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: RE: Ex. 5 AC/DP

Yes, I can ask at the managers' meeting.

From: Makepeace, Caroline
Sent: Monday, April 15, 2019 10:15 AM
To: Porter, Amy <Porter.Amy@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: Re: Ex. 5 AC/DP

Ex. 5 AC/DP

Sent from my iPhone

On Apr 15, 2019, at 10:01 AM, Porter, Amy <Porter.Amy@epa.gov> wrote:

Caroline –

Ex. 5 AC/DP

Ex. 5 AC/DP

Please let us know if any questions.

Amy

Cc:ing Susan O'Keefe who will be acting for me, Mark who will be acting for Rosemarie T-Th and Apple who will be acting for Rosemarie on Friday. As far as I know only Caroline (and John if he can make it) are actually attending the DOJ briefing but if anyone has any different info please let me know.

Message

From: Rae, Sarah [Rae.Sarah@epa.gov]
Sent: 6/27/2019 5:01:36 PM
To: Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
CC: Baptista, Chrisna [Baptista.Chrisna@epa.gov]
Subject: Ex. 7(A) SEP

Mark,

If you hear anything from Susan or Ex. 7(A) SEP while I am out next week please loop in the region (Mita Ghosh and Bill Bush).

Thanks!

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

It is important to think beyond yourself.

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Message

From: Baptista, Chrisna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C319D331D35B4110BC6584B4557BC561-TAN, CHRISNA]
Sent: 4/29/2019 3:25:38 PM
To: Denton, Loren [Denton.Loren@epa.gov]; King, Carol [King.Carol@epa.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: FW: WED [redacted] Ex. 5 AC/DP

Ex. 5 AC/DP

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Cunningham, Caitlin
Sent: Monday, April 29, 2019 10:59 AM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED - [redacted] Ex. 5 AC/DP

Ex. 5 AC/DP

Caitlin Cunningham
Physical Scientist
U.S. Environmental Protection Agency
OECA – OCE – Water Enforcement Division
1200 Pennsylvania Avenue NW (Mail Code 2243A)
Washington, D.C. 20460
202-564-0477
cunningham.caitlin@epa.gov

From: Baptista, Chrisna
Sent: Monday, April 29, 2019 10:53 AM
To: Cunningham, Caitlin <cunningham.caitlin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Thanks, Caitlin. I'll send a quick email to Caroline.

I'm not sure when the prep meeting today is. I don't think I see it on Mark or Rosemarie's calendars.

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Cunningham, Caitlin
Sent: Monday, April 29, 2019 10:47 AM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Chrisna, yes, Ex. 5 AC/DP

When is the meeting with Susan today?

Caitlin Cunningham
Physical Scientist
U.S. Environmental Protection Agency
OECA – OCE – Water Enforcement Division
1200 Pennsylvania Avenue NW (Mail Code 2243A)
Washington, D.C. 20460
202-564-0477
cunningham.caitlin@epa.gov

From: Baptista, Chrisna
Sent: Monday, April 29, 2019 10:32 AM
To: Cunningham, Caitlin <cunningham.caitlin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED Ex. 5 AC/DP

Hi Caitlin and Ben,

Ex. 5 AC/DP

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Makepeace, Caroline
Sent: Monday, April 29, 2019 10:11 AM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cunningham, Caitlin <cunningham.caitlin@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Hi all,

Thanks for this. I've put into a Word Doc, attached. But had a few follow up questions:

1. Ex. 5 AC/DP

Ex. 5 AC/DP

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: Baptista, Chrisna
Sent: Friday, April 26, 2019 4:06 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Got it. Added requested info below.

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Fogarty, Johnpc
Sent: Friday, April 26, 2019 3:18 PM
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<Gonzalez.Sarah@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Ex. 5 AC/DP

From: Baptista, Chrisna
Sent: Friday, April 26, 2019 2:29 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
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Office of Civil Enforcement
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Subject: RE: WED - Ex. 5 AC/DP

Hi Caroline,

Ex. 5 AC/DP

Chrisna

From: Fogarty, Johnpc
Sent: Thursday, April 25, 2019 5:32 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: WED - Ex. 5 AC/DP
Importance: High

Here's what's needed - please send to Caroline with cc to Amy and me:

Ex. 5 AC/DP

Ex. 5 AC/DP

Thx!

Message

From: Baptista, Chrisna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C319D331D35B4110BC6584B4557BC561-TAN, CHRISNA]
Sent: 4/29/2019 2:59:26 PM
To: Cunningham, Caitlin [cunningham.caitlin@epa.gov]
Subject: RE: WED - Ex. 5 AC/DP

Thank you!

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Cunningham, Caitlin
Sent: Monday, April 29, 2019 10:59 AM
To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Ex. 5 AC/DP

Caitlin Cunningham
Physical Scientist
U.S. Environmental Protection Agency
OECA – OCE – Water Enforcement Division
1200 Pennsylvania Avenue NW (Mail Code 2243A)
Washington, D.C. 20460
202-564-0477
cunningham.caitlin@epa.gov

From: Baptista, Chrisna
Sent: Monday, April 29, 2019 10:53 AM
To: Cunningham, Caitlin <cunningham.caitlin@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Thanks, Caitlin. I'll send a quick email to Caroline.

I'm not sure when the prep meeting today is. I don't think I see it on Mark or Rosemarie's calendars.

Chrisna Baptista, Attorney-Adviser
Office of Civil Enforcement
Phone: (202) 564-4272
E-mail: baptista.chrisna@epa.gov

From: Cunningham, Caitlin
Sent: Monday, April 29, 2019 10:47 AM

To: Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: WED - Ex. 5 AC/DP

Chrisna, yes, t Ex. 5 AC/DP

When is the meeting with Susan today?

Caitlin Cunningham
Physical Scientist
U.S. Environmental Protection Agency
OECA – OCE – Water Enforcement Division
1200 Pennsylvania Avenue NW (Mail Code 2243A)
Washington, D.C. 20460
202-564-0477
cunningham.caitlin@epa.gov

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Hi all,

Thanks for this. I've put into a Word Doc, attached. But had a few follow up questions:

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Still reviewing but wanted to get these follow-ups to you ASAP – many thanks!

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

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Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: WED - Ex. 5 AC/DP
Importance: High

Ex. 5 AC/DP

Ex. 5 AC/DP

Thx!

Message

From: Spielmann, Lee [Spielmann.Lee@epa.gov]
Sent: 8/12/2019 1:53:06 PM
To: Livingston, Peggy [Livingston.Peggy@epa.gov]; Adams, Carolina [adams.carolina@epa.gov]; Alexander, David [Alexander.David@epa.gov]; Alkon, Margaret [Alkon.Margaret@epa.gov]; Ambrosino, Helene [Ambrosino.Helene@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Andrews, Mary [Andrews.Mary@epa.gov]; Arrazola, Ignacio [arrazola.ignacio@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Baird, Richard [Baird.Richard@epa.gov]; Bandrowicz, Toni [bandrowicz.toni@epa.gov]; Baney, Tony [Baney.Tony@epa.gov]; Barnett, Cheryl [Barnett.Cheryl@epa.gov]; Bartley, Richard [Bartley.Richard@epa.gov]; Barton, Kasey [Barton.Kasey@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Benjamin, Deborah [Benjamin.Deborah@epa.gov]; BERMAN, TESSA [Berman.Tessa@epa.gov]; Bickmore, Ryan [bickmore.ryan@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Bosch, Raymond [Bosch.Raymond@epa.gov]; Brantner, Kelly A. [Brantner.Kelly@epa.gov]; Breedlove, Dan [Breedlove.Dan@epa.gov]; Bussey, Carol [Bussey.Carol@epa.gov]; Byrne, Jennifer [Byrne.Jennifer@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Cahn, Jeffrey [cahn.jeff@epa.gov]; Campbell, Rich [Campbell.Rich@epa.gov]; Canton, Santiago [canton.santiago@epa.gov]; Carbone, Chad [Carbone.Chad@epa.gov]; Castelli, Matthew [castelli.matthew@epa.gov]; Catlin, Kelley [Catlin.Kelley@epa.gov]; Cha, James [cha.james@epa.gov]; Chabria, Monesh [chabria.monesh@epa.gov]; Chalfant, Mark [Chalfant.Mark@epa.gov]; Charlton, Tom [Charlton.Tom@epa.gov]; Chester, Amy [Chester.Amy@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Clarizio, Richard [Clarizio.Richard@epa.gov]; Clark, Katherine [Clark.Katherine@epa.gov]; Cobb, Christina [cobb.christina@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Coral, Edgar [Coral.Edgar@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Crum, Lynda [Crum.Lynda@epa.gov]; Dangelo, AJ [Dangelo.Aj@epa.gov]; Daugavietis, Andre [daugavietis.andre@epa.gov]; Davies, Lynne [Davies.Lynne@epa.gov]; Dean, Abigail [Dean.Abigail@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]; Dixon, Lorraine [Dixon.Lorraine@epa.gov]; Doster, Kathleen [Doster.Kathleen@epa.gov]; Dowton, David [Dowton.David@epa.gov]; Dugan, Brett [Dugan.Brett@epa.gov]; Dyer, Brian [Dyer.Brian@epa.gov]; Eakins, Shaula [eakins.shaula@epa.gov]; Engelman, Alexa [ENGELMAN.ALEXA@EPA.GOV]; Evans, Carlos [Evans.Carlos@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Fentress, Robert [Fentress.Robert@epa.gov]; Figur, Charles [Figur.Charles@epa.gov]; Fischer, Lauren [Fischer.Lauren@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Frey, Bert [frey.bertram@epa.gov]; Freyre, Dominique [Freyre.Dominique@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Gallo, Dan [Gallo.Dan@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Gao, James [gao.james@epa.gov]; Garcia, Jefferie [Garcia.Jefferie@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Gardner, Geraldine [Gardner.Geraldine@epa.gov]; Garelick, Jason [garelick.jason@epa.gov]; Garnett, Desean [Garnett.Desean@epa.gov]; Garvey, Mark [Garvey.Mark@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Gonzales, Amy [Gonzales.Amy@epa.gov]; Gonzales, Kristina [Gonzales.Kristina@epa.gov]; Gonzalez, EduardoJ [Gonzalez.EduardoJ@epa.gov]; Hammond, Lauren [Hammond.Lauren@epa.gov]; Hellyer, Yvette [Hellyer.Yvette@epa.gov]; Herrick, Peter [Herrick.Peter@epa.gov]; Hoang, Anhthu [Hoang.Anhthu@epa.gov]; Hsu, Christopher [hsu.christopher@epa.gov]; Iddings, Brianna [Iddings.Brianna@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]; Jackson, Julia [Jackson.Julia@epa.gov]; Jackson, Laurianne [Jackson.Laurianne@epa.gov]; Jamieson, Cheryl [Jamieson.Cheryl@epa.gov]; Jerison, Joanna [Jerison.Joanna@epa.gov]; Jones, Peter [jones.peter@epa.gov]; Jonesi, Gary [Jonesi.Gary@epa.gov]; Jordan-garcia, Carolina [Jordan-Garcia.Carolina@epa.gov]; Kamlet, Rachael [kamlet.rachael@epa.gov]; Kaul, Meetu [Kaul.Meetu@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Kermish, Laurie [Kermish.Laurie@epa.gov]; Kirby-Miles, Leslie [Kirby-Miles.Leslie@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Kodish, Jeff [Kodish.Jeff@epa.gov]; Kono, Michiko [Kono.Michiko@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Kryman, Matthew [Kryman.Matthew@epa.gov]; Kulschinsky, Edward [Kulschinsky.Edward@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Lannen, Justin [Lannen.Justin@epa.gov]; Leddon, Terry [Leddon.Terry@epa.gov]; Leefers, Kristin [Leefers.Kristin@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]; Lueders, Jesse [Lueders.Jesse@epa.gov]; Lupton, Jane [lupton.jane@epa.gov]; MacDonald, Jennifer [Macdonald.Jennifer@epa.gov]; Magnuson, Janet [Magnuson.Janet@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Marte, Brian [marte.brian@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; McAuliffe, Mary [mcauliffe.mary@epa.gov]; McCoin, Shane [mccoin.shane@epa.gov]; McCoin, Shane [mccoin.shane@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]; McGuire, Karen [Mcguire.Karen@epa.gov]; McLaren, William [mclaren.william@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Melendez-Colon, Suzette [melendez-colon.suzette@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Meyer, Jonathan [Meyer.Jonathan@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Miles, James [miles.james@epa.gov]; Miller,

Amy [Miller.Amy@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Minshall, Chris [Minshall.Chris@epa.gov]; Moora, David [moora.david@epa.gov]; Moore, Letitia (Separated 5/18/18) [Moore.Letitia@epa.gov]; Moore, John (Matthew) [moore.johnm@epa.gov]; Moore, Nathaniel [Moore.Nathaniel@epa.gov]; Muehlberger, Christopher [muehlberger.christopher@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Muller, Sheldon [Muller.Sheldon@epa.gov]; Murdock, James [Murdock.James@epa.gov]; Murdock, Russell [Murdock.Russell@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Naftz, Douglas [Naftz.Douglas@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]; Newton, Mimi [Newton.Mimi@epa.gov]; Nurkin, Gary [Nurkin.Gary@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Olivier, Tom [olivier.tom@epa.gov]; Olson, Erik [olson.erik@epa.gov]; O'Meara, Nidhi [Omeara.Nidhi@epa.gov]; Ordonez, Efren [Ordonez.Efren@epa.gov]; Palermo, Mark [palermo.mark@epa.gov]; Patterson, Sean [patterson.sean@epa.gov]; Peaceman, Karen [Peaceman.Karen@epa.gov]; Peachey, Robert [peachey.robert@epa.gov]; Pearson, Evan [Pearson.Evan@epa.gov]; Pierce, Jennifer [pierce.jennifer@epa.gov]; Piggott, Amelia [Piggott.Amelia@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Portmess, Jessica [Portmess.Jessica@epa.gov]; Presler, Amos [presler.amos@epa.gov]; Price, Aaron [price.aaron@epa.gov]; Raack, Pete [Raack.Pete@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]; Ramalho, Louis [Ramalho.Louis@epa.gov]; Redleaf-Durbin, Joan [Redleaf-Durbin.Joan@epa.gov]; Regna, Jean [Regna.Jean@epa.gov]; Reynolds, Rebekah [Reynolds.Rebekah@epa.gov]; Riedel, Brian [riedel.brian@epa.gov]; Rivera-Ocasio, Evelyn [Rivera-Ocasio.Evelyn@epa.gov]; Robinson, Michael [robinson.michael@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; Rongone, Marie [Rongone.Marie@epa.gov]; Rose, Cheryl [Rose.Cheryl@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Salisbury, Demetra [Salisbury.Demetra@epa.gov]; Saporita, Chris [Saporita.Chris@epa.gov]; Sawyer, William [Sawyer.William@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Schefski, Melissa [Schefski.Melissa@epa.gov]; Schilling, Leonard [Schilling.Leonard@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]; Shamet, Stefania [Shamet.Stefania@epa.gov]; Sharke, Janet [Sharke.Janet@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Smith, Robert H [smith.roberth@epa.gov]; Smith-Watts, David [Smith-Watts.David@epa.gov]; Steinberg, Kayla [steinberg.kayla@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Stephanos, Ann [Stephanos.Ann@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Stettz, Lauren [stettz.lauren@epa.gov]; Sugerman, Rebecca [Sugerman.Rebecca@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Swanson, Amy [Swanson.Amy@epa.gov]; Talbot, Kristine [Talbot.Kristine@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Taylor, Karen [Taylor.Karen@epa.gov]; Tozzi, Lauren [Tozzi.Lauren@epa.gov]; Trawick, Matthew [Trawick.Matthew@epa.gov]; Trivedi, Adrienne [Trivedi.Adrienne@epa.gov]; Utting, George [Utting.George@epa.gov]; Velez, Hector [Velez.Hector@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vinch, James [Vinch.James@epa.gov]; VonVacano, Marcela [VonVacano.Marcela@epa.gov]; Wagner, Michael [wagner.michael@epa.gov]; Weiner, Marc [Weiner.Marc@epa.gov]; Weiss, Cynthia [Weiss.Cynthia@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Williams, Ann [Williams.Ann@epa.gov]; Wood, Nicole [wood.nicole@epa.gov]; Woodward, Kathleen [Woodward.Kathleen@epa.gov]; Yeany, Philip [Yeany.Philip@epa.gov]; Zaharoff, Josh [Zaharoff.Josh@epa.gov]; Zequeira, C [Zequeira.C@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Zucker, Audrey [Zucker.Audrey@epa.gov]

CC: Garypie, Catherine [garypie.catherine@epa.gov]; Nurkin, Gary [Nurkin.Gary@epa.gov]

Subject: RE: Agenda for Tuesday, August 13th Ad Lit (**Ex. 6 PP / Ex. 7(C)**

Ex. 5 AC/DP

Lee

From: Livingston, Peggy <Livingston.Peggy@epa.gov>
Sent: Friday, August 09, 2019 6:18 PM

To: Adams, Carolina <adams.carolina@epa.gov>; Alexander, David <Alexander.David@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Andrews, Mary <Andrews.Mary@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Baird, Richard <Baird.Richard@epa.gov>; Bandrowicz, Toni <bandrowicz.toni@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Barton, Kasey <Barton.Kasey@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>; Benjamin, Deborah <Benjamin.Deborah@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Bickmore, Ryan <bickmore.ryan@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brantner, Kelly A. <Brantner.Kelly@epa.gov>; Breedlove, Dan <Breedlove.Dan@epa.gov>; Bussey, Carol <Bussey.Carol@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Cahn, Jeffrey <cahn.jeff@epa.gov>; Campbell, Rich <Campbell.Rich@epa.gov>; Canton, Santiago <canton.santiago@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Castelli, Matthew <castelli.matthew@epa.gov>; Catlin, Kelley <Catlin.Kelley@epa.gov>; Cha, James <cha.james@epa.gov>; Chabria, Monesh <chabria.monesh@epa.gov>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Chester, Amy <Chester.Amy@epa.gov>; Chiang, I-Jung <chiang.i-jung@epa.gov>; Clarizio, Richard <Clarizio.Richard@epa.gov>; Clark, Katherine <Clark.Katherine@epa.gov>; Cobb, Christina <cobb.christina@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Coral, Edgar <Coral.Edgar@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Daugavietis, Andre <daugavietis.andre@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Dixon, Lorraine <Dixon.Lorraine@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Dowton, David <Dowton.David@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Eakins, Shaula <eakins.shaula@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Evans, Carlos <Evans.Carlos@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fentress, Robert <Fentress.Robert@epa.gov>; Figur, Charles <Figur.Charles@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Frey, Bert <frey.bertram@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Gallo, Dan <Gallo.Dan@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Gao, James <gao.james@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Garelick, Jason <garelick.jason@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Gonzales, Amy <Gonzales.Amy@epa.gov>; Gonzales, Kristina <Gonzales.Kristina@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Hammond, Lauren <Hammond.Lauren@epa.gov>; Hellyer, Yvette <Hellyer.Yvette@epa.gov>; Herrick, Peter <Herrick.Peter@epa.gov>; Hoang, Anhthu <Hoang.Anhthu@epa.gov>; Hsu, Christopher <hsu.christopher@epa.gov>; Iddings, Brianna <Iddings.Brianna@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Jackson, Julia <Jackson.Julia@epa.gov>; Jackson, Laurianne <Jackson.Laurianne@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Jones, Peter <jones.peter@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>; Kamlet, Rachael <kamlet.rachael@epa.gov>; Kaul, Meetu <Kaul.Meetu@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>; Kirby-Miles, Leslie <Kirby-Miles.Leslie@epa.gov>; Klepp, Robert <Klepp.Robert@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Kowalski, Edward <Kowalski.Edward@epa.gov>; Kryman, Matthew <Kryman.Matthew@epa.gov>; Kulschinsky, Edward <Kulschinsky.Edward@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Lannen, Justin <Lannen.Justin@epa.gov>; Leddon, Terry <Leddon.Terry@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>; Lindsey, William <Lindsey.William@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Lueders, Jesse <Lueders.Jesse@epa.gov>; Lupton, Jane <lupton.jane@epa.gov>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Marte, Brian <marte.brian@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; McAuliffe, Mary <mcauliffe.mary@epa.gov>; McCoin, Shane <mccoin.shane@epa.gov>; McCoin, Shane <mccoin.shane@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; McGuire, Karen <Mcguire.Karen@epa.gov>; McLaren, William <mclaren.william@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Melendez-Colon, Suzette <melendez-colon.suzette@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>;

Michaud, John <Michaud.John@epa.gov>; Miles, James <miles.james@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Minshall, Chris <Minshall.Chris@epa.gov>; Moora, David <moora.david@epa.gov>; Moore, Letitia (Separated 5/18/18) <Moore.Letitia@epa.gov>; Moore, John (Matthew) <moore.johnm@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Muehlberger, Christopher <muehlberger.christopher@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Naftz, Douglas <Naftz.Douglas@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Newton, Mimi <Newton.Mimi@epa.gov>; Nurkin, Gary <Nurkin.Gary@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Olson, Erik <olson.erik@epa.gov>; O'Meara, Nidhi <Omeara.Nidhi@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>; Patterson, Sean <patterson.sean@epa.gov>; Peaceman, Karen <Peaceman.Karen@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Pierce, Jennifer <pierce.jennifer@epa.gov>; Piggott, Amelia <Piggott.Amelia@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Portmess, Jessica <Portmess.Jessica@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Price, Aaron <price.aaron@epa.gov>; Raack, Pete <Raack.Pete@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Ramalho, Louis <Ramalho.Louis@epa.gov>; Redleaf-Durbin, Joan <Redleaf-Durbin.Joan@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Reynolds, Rebekah <Reynolds.Rebekah@epa.gov>; Riedel, Brian <riedel.brian@epa.gov>; Rivera-Ocasio, Evelyn <Rivera-Ocasio.Evelyn@epa.gov>; Robinson, Michael <robinson.michael@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Rongone, Marie <Rongone.Marie@epa.gov>; Rose, Cheryl <Rose.Cheryl@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Salisbury, Demetra <Salisbury.Demetra@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Schilling, Leonard <Schilling.Leonard@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Sharke, Janet <Sharke.Janet@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>; Spielmann, Lee <Spielmann.Lee@epa.gov>; Steinberg, Kayla <steinberg.kayla@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Stettz, Lauren <stettz.lauren@epa.gov>; Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Swanson, Amy <Swanson.Amy@epa.gov>; Talbot, Kristine <Talbot.Kristine@epa.gov>; Tanimura, Erin <Tanimura.Erin@epa.gov>; Taylor, Karen <Taylor.Karen@epa.gov>; Tozzi, Lauren <Tozzi.Lauren@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Utting, George <Utting.George@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Vinch, James <Vinch.James@epa.gov>; VonVacano, Marcela <VonVacano.Marcela@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Wood, Nicole <wood.nicole@epa.gov>; Woodward, Kathleen <Woodward.Kathleen@epa.gov>; Yeany, Philip <Yeany.Philip@epa.gov>; Zaharoff, Josh <Zaharoff.Josh@epa.gov>; Zequeira, C <Zequeira.C@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Zucker, Audrey <Zucker.Audrey@epa.gov>
Cc: Garypie, Catherine <garypie.catherine@epa.gov>
Subject: Agenda for Tuesday, August 13th Ad Lit Call Ex. 6 PP / Ex. 7(C)

Attorney-Client Privileged
Deliberative Process

The following is the agenda for the August 13, 2019 Administrative Litigation call. It will be at **2 pm Eastern time**. Please forward this to any agency practitioners who may be interested. Please do not forward this to EAB members, ALJs, RJOs, their staffs, any "all ORC" groups that may include RJOs, or anyone outside the agency.

Call-in number Ex. 6 Personal Privacy (PP)

1. Roll Call, Agenda, and Administrative Matters

[Catherine Garypie / Peggy Livingston, Region 8: 5 minutes]

2. Special Topics:

Ex. 5 Deliberative Process (DP)

[Catherine Garypie, Region 5 / Peggy Livingston, Region 8: 15 minutes]

Ex. 5 Deliberative Process (DP)

- Ex. 5 Deliberative Process (DP)

[Peggy Livingston, Region 8: 5 minutes]

3. Recent Case Ruling(s) of Significance

Ex. 5 AC/DP

[NONE]

4. Recent or Upcoming Case Filing(s) or Other Litigation-Related Event(s) of Significance

[Catherine Garypie, Region 5 / Peggy Livingston, Region 8: 15 minutes]

- EAB - Recent Filings of Significance

Ex. 5 AC/DP

- OALJ – Recent Filings/Hearings of Significance

[NONE]

- Contested Part 22 Cases on Litigation Track

Please inform Catherine and Peggy if you have a part 22 case in which the Presiding Officer has set a hearing date. This will help us keep the practice group informed and, we hope, assist you.

- Part 22 Cases Scheduled for Hearing

Ex. 5 AC/DP

- Active Part 22 Cases Pending Issuance of Initial Decision

Ex. 5 AC/DP

5. Practice Tips of the Month

Any?

6. Training Opportunities and Resource Issues

American Bar Association – Section of Environment, Energy and Resources
Fall Meeting
Sept 11-14 (Boston, MA)

American Bar Association – Section of Administrative Law and Regulatory Practice
2019 Administrative Law Conference
Nov 14-15 (Washington, DC)

7. Requests for Assistance

Any?

8. Other Issues

- Inside EPA article re Supplemental Environmental Projects:

  https://insideepa.com/weekly-focus/doj-begins-rejecting-seps-municipal-settlements-undercutting-policy

  On August 9, 2019, Larry Starfield notified Regional Counsels and ECAD Directors of the following EPA response to Inside EPA:

  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.

9. Next Ad Lit Call

- The next call is scheduled for Tuesday, September 10, 2019, at 2pm Eastern time.

Peggy Livingston
Senior Assistant Regional Counsel
Regulatory Enforcement Section
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, CO 80202
303-312-6858 (phone)

Message

From: Fergusson, Bruce [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6917EE37A80549FB99D2E454E3609EF6-BFERGUSS]
Sent: 6/17/2019 1:29:20 PM
To: Bruce, Susan [Bruce.Susan@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Subject: RE: Ex. 5 AC/AWP/DP

Hi Ben,

Ex. 5 AC/AWP/DP

Bruce
Bruce Fergusson
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA
(202) 564-1261

From: Bruce, Susan
Sent: Monday, June 17, 2019 8:16 AM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: RE: Ex. 5 AC/AWP/DP

Ben and Bruce,

Ex. 5 AC/AWP/DP

Susan D. Bruce
Environmental Engineer
Water Enforcement Division

Office of Civil Enforcement, US EPA
Mail Code: 2243A
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-564-8329

From: Bahk, Benjamin
Sent: Monday, June 17, 2019 6:48 AM
To: Bruce, Susan <Bruce.Susan@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
Subject: Fwd: Ex. 5 AC/AWP/DP

Susan and Bruce,
If you could take a look, I would appreciate it.

Sent from my iPhone

Begin forwarded message:

> **From:** "Denton, Loren" <Denton.Loren@epa.gov>
> **Date:** June 16, 2019 at 9:36:24 PM EDT
> **To:** "Bahk, Benjamin" <Bahk.Benjamin@epa.gov>
> **Cc:** "Theis, Joseph" <Theis.Joseph@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject:** Ex. 5 AC/AWP/DP
>
> Ben,
> See Ex. 7(A) language. Not sure who is working on this in our office.
> Loren
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> > **Date:** June 16, 2019 at 5:43:00 PM EDT
> > **To:** "Denton, Loren" <Denton.Loren@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>, "Theis, Joseph" <Theis.Joseph@epa.gov>, "Rae, Sarah" <Rae.Sarah@epa.gov>
> > **Cc:** "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>
> > **Subject:** Ex. 5 AC/AWP/DP
> >
> > Ex. 5 AC/AWP/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.

Message

From: King, Carol [king.carol@epa.gov]
Sent: 4/8/2019 7:50:33 PM
To: Rog, Morgan [Rog.Morgan@epa.gov]; Zimny, James [zimny.james@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: Conversation with Rog, Morgan, Zimny, James

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

Message

From: Pollins, Mark [Pollins.Mark@epa.gov]
Sent: 5/14/2019 1:19:42 PM
To: Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Subject: Fwd: SEPs

Sent from my iPhone

Begin forwarded message:

From: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Date: May 13, 2019 at 6:46:21 PM EDT
To: "Bodine, Susan" <bodine.susan@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>, "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>, "Buterbaugh, Kristin" <Buterbaugh.Kristin@epa.gov>
Subject: RE: SEPs

Susan –

Thanks for sharing what your heard during your discussion with Jeff today.

Ex. 5 AC/AWP/DP

Rosemarie

From: Bodine, Susan
Sent: Monday, May 13, 2019 5:18 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: SEPs

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.

Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 4/11/2019 3:49:57 PM
To: King, Carol [King.Carol@epa.gov]
Subject: FW: Consent Decree

FYI – we can discuss tomorrow. Hope your trip is going well!

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Sent: Thursday, April 11, 2019 10:44 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>
Subject: FW: Consent Decree

FYI

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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Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 4/9/2019 4:15:42 PM
To: Rog, Morgan [Rog.Morgan@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]; King, Carol [King.Carol@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]
Subject: RE: Ex. 7(A) update

Thanks, Morgan.

Rosemarie

From: Rog, Morgan
Sent: Tuesday, April 09, 2019 12:09 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>; King, Carol <King.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Subject: Ex. 7(A) update

Rosemarie,

Ex. 5 AC/AWP/DP

Please let us know if you have any additional questions.

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Pollins, Mark [Pollins.Mark@epa.gov]
Sent: 6/26/2019 9:28:23 PM
To: Denton, Loren [Denton.Loren@epa.gov]; King, Carol [King.Carol@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Fwd: Ex. 7(A) muni CWA settlement

Sent from my iPhone

Begin forwarded message:

> **From:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Date:** June 26, 2019 at 2:46:41 PM EDT
> **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>
> **Subject: Fwd:** Ex. 7(A) **muni CWA settlement**
>
> 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) **muni CWA settlement**
> >
> > Dear Leif, Suzanne and Mita,
> >
> > Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 5/21/2019 3:51:58 PM
To: Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Zimny, James [zimny.james@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]
Subject: RE: Ex. 5 AC / Ex. 7(A)

Ex. 5 AC/AWP/DP

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

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: Rog, Morgan
Sent: Tuesday, May 21, 2019 11:16 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: Ex. 5 AC / Ex. 7(A)

Hi Kristin,

Ex. 5 AC/AWP/DP

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Buterbaugh, Kristin
Sent: Tuesday, May 21, 2019 11:04 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 AC / Ex. 7(A)

Morgan, Carol, and James,

Ex. 5 AC/AWP/DP

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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Message

From: Theis, Joseph [Theis.Joseph@epa.gov]
Sent: 4/5/2019 9:00:59 PM
To: Zimny, James [zimny.james@epa.gov]
CC: Rog, Morgan [Rog.Morgan@epa.gov]; King, Carol [King.Carol@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Subject: Re: Ex. 7(A)

Understood. Try to still have a good weekend with the family!

On Apr 5, 2019, at 4:56 PM, Zimny, James <zimny.james@epa.gov> wrote:

Thank you for following up Joe. Not looking forward to informing Ex. 7(A)

Sent from my iPhone

On Apr 5, 2019, at 4:34 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/AWP/DP

- Joe

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 4:23 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: interpretive statement and Ex. 7(A)

Results of DOJ call this morning:

Sessions Memo

Ex. 5 AC/AWP/DP

From: Theis, Joseph
Sent: Friday, April 5, 2019 2:51 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>
Subject: RE: interpretive statement and Ex. 7(A)

Ex. 5 AC/AWP/DP

Thanks,
- Joe

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

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Message

From: Rog, Morgan [Rog.Morgan@epa.gov]
Sent: 4/5/2019 7:39:45 PM
To: Theis, Joseph [Theis.Joseph@epa.gov]; King, Carol [King.Carol@epa.gov]
CC: Zimny, James [zimny.james@epa.gov]
Subject: RE: interpretive statement and follow-up Ex. 7(A)

Thanks, Joe.

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Theis, Joseph
Sent: Friday, April 05, 2019 2:53 PM
To: King, Carol <King.Carol@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>
Subject: FW: interpretive statement and follow-up Ex. 7(A)

I'll let you know if I get a response from Susan.

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

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From: Theis, Joseph
Sent: Friday, April 05, 2019 2:51 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>
Subject: RE: interpretive statement and follow-up Ex. 7(A)

Ex. 5 AC/AWP/DP

Thanks,
- Joe

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

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From: Bodine, Susan
Sent: Friday, April 05, 2019 2:27 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>
Subject: RE: interpretive statement

Ex. 5 AC/AWP/DP

From: Theis, Joseph
Sent: Friday, April 5, 2019 11:09 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>
Subject: FW: interpretive statement

Susan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

- Joe

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

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From: Bodine, Susan
Sent: Thursday, April 04, 2019 6:22 PM
To: Fisher, Mike <Fisher.Mike@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>
Subject: interpretive statement

Ex. 5 AC/AWP/DP

Susan

Message

From: King, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D38C5B906A8F476F81D7BC657A6833A1-DEMARCO, CAROL]
Sent: 6/26/2019 7:06:45 PM
To: Holmes, Carol [Holmes.Carol@epa.gov]
Subject: FW: Ex. 7(A) uni CWA settlement

I think this was meant to go to you.

From: Kelley, Rosemarie
Sent: Wednesday, June 26, 2019 3:06 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW Ex. 7(A) muni CWA settlement

FYI

From: Palmer, Leif
Sent: Wednesday, June 26, 2019 2:47 PM
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>
Subject: Fwd: Ex. 7(A) nuni CWA settlement

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) **nuni CWA settlement**
>
> Dear Leif, Suzanne and Mita,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 5/8/2019 5:03:39 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Zimny, James [zimny.james@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: Questions about Ex. 7(A)

Thanks so much! I really appreciate you all getting back to me so quickly! ☺

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 1:01 PM
To: Zimny, James <zimny.james@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Kristin,

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Zimny, James
Sent: Wednesday, May 08, 2019 11:40 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 11:38 AM
To: Zimny, James <zimny.james@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Thanks James! Ex. 5 AC/AWP/DP

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: Zimny, James
Sent: Wednesday, May 8, 2019 11:37 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

Morgan and I will attend the OCE weekly tomorrow. Thanks for the heads-up Kristin!

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 10:37 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James

<zimny.james@epa.gov>
Subject: Questions about Ex. 7(A)

Good morning everyone,

Ex. 5 AC/AWP/DP

The OCE Weekly is at 3:15 tomorrow. It would be helpful if you can attend to provide answers to other questions that may arise about these cases.

Please let me know if there's anything I can do to help. Thanks!

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: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/4/2019 8:55:10 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]
CC: Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
Subject: RE: Ex. 7(A)
Attachments: Ex. 7(A) 09 04 2019 CDM.docx

Flag: Follow up

Sarah and WED management: Thanks for this. Please see attached version that I tinkered with, and let me know if my edits have done any damage to accuracy.

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

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: Wednesday, September 04, 2019 2:33 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: Ex. 7(A)

Caroline,

I got the OK from my counterpart in R4. Here is the updated draft.

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: Wednesday, September 04, 2019 2:21 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Re: Ex. 7(A)

☺👈

Sent from my iPhone

On Sep 4, 2019, at 2:16 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

good catch! Will do.

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: Wednesday, September 04, 2019 2:16 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

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: Wednesday, September 04, 2019 1:49 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Caroline – here is what I just put together and sent to my counterpart in R4 for review. I will send you the final version when it is ready!

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: Wednesday, September 04, 2019 1:47 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

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: Wednesday, September 04, 2019 1:11 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Thanks! I will work on updating this now.

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: Wednesday, September 04, 2019 1:10 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Sarah –
Attached is a (one of many…) cheat sheet that has the language james provided re: Ex. 5 AC/DP
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.

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 5/8/2019 3:52:20 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Zimny, James [zimny.james@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: Questions about Ex. 7(A)

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

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 11:50 AM
To: Zimny, James <zimny.james@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Kristin,

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

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Zimny, James
Sent: Wednesday, May 08, 2019 11:40 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

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

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 11:38 AM
To: Zimny, James <zimny.james@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

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

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: Zimny, James
Sent: Wednesday, May 8, 2019 11:37 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

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

Morgan and I will attend the OCE weekly tomorrow. Thanks for the heads-up Kristin!

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 10:37 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Questions about Ex. 7(A)

Good morning everyone,

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

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

The OCE Weekly is at 3:15 tomorrow. It would be helpful if you can attend to provide answers to other questions that may arise about these cases.

Please let me know if there's anything I can do to help. Thanks!

Kristin Buterbaugh
Special Assistant
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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: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 5/8/2019 3:39:57 PM
To: Zimny, James [zimny.james@epa.gov]; Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: Questions abou Ex. 7(A)

Great. 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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From: Zimny, James
Sent: Wednesday, May 8, 2019 11:40 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions abou Ex. 7(A)

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

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 11:38 AM
To: Zimny, James <zimny.james@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions abou Ex. 7(A)

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

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: Zimny, James
Sent: Wednesday, May 8, 2019 11:37 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

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

Morgan and I will attend the OCE weekly tomorrow. Thanks for the heads-up Kristin!

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 10:37 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Questions about Ex. 7(A)

Good morning everyone,

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

The OCE Weekly is at 3:15 tomorrow. It would be helpful if you can attend to provide answers to other questions that may arise about these cases.

Please let me know if there's anything I can do to help. Thanks!

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: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 6/27/2019 1:51:41 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
CC: Elliott, Richard [Elliott.Richard@epa.gov]; Sayre, Dennis [Sayre.Dennis@epa.gov]; Chavez, Araceli [Chavez.Araceli@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]
Subject: FW: Ex. 7(A)

FYI.

From: Ghosh, Mita
Sent: Thursday, June 27, 2019 8:39 AM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: FW: Ex. 7(A)

FYI

Mita Ghosh
Chief, Office of Water Legal Support
U.S. Environmental Protection Agency, Region 4
(404) 562-9568

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From: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Sent: Wednesday, June 26, 2019 6:15 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: FW: Ex. 7(A)

Dear Rosemarie and Mark, cc: Leif, Suzanne, Mita, Bill

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Best,

Henry

From: Friedman, Henry (ENRD)
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>; Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>; Mann, Valerie (ENRD) <VMann@ENRD.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

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. 5 AC/AWP/DP

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

Message

From: Theis, Joseph [Theis.Joseph@epa.gov]
Sent: 8/19/2019 6:38:44 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]
Subject: Ex. 5 AC/AWP/DP

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

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From: Pollins, Mark
Sent: Monday, August 19, 2019 11:16 AM
To: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Sent from my iPhone

Begin forwarded message:

> **From:** "Bodine, Susan" <bodine.susan@epa.gov>
> **Date:** August 19, 2019 at 10:42:35 AM EDT
> **To:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>, "Buterbaugh, Kristin" <Buterbaugh.Kristin@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Cc:** "Shiffman, Cari" <Shiffman.Cari@epa.gov>, "Mirza, Sabah" <Mirza.Sabah@epa.gov>

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Susan

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 10/16/2019 2:25:03 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]
CC: Theis, Joseph [Theis.Joseph@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]
Subject: Re: Ex. 7(A)

Ex. 5 AC/AWP/DP

Sent from my iPhone

On Oct 16, 2019, at 9:48 AM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

Good morning Caroline,

Ex. 5 AC/AWP/DP

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: Monday, October 07, 2019 2:46 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: Ex. 7(A) any updates?

Sarah –

Ex. 5 AC/AWP/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: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Friday, October 04, 2019 10:03 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: RE: Ex. 7(A) any updates?

Ex. 5 AC/AWP/DP

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: Friday, October 04, 2019 10:01 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: Re: Ex. 7(A) any updates?

Ex. 5 AC/AWP/DP n.

Sent from my iPhone

On Oct 4, 2019, at 9:41 AM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

> Good morning Caroline,
>
> Ex. 5 AC/AWP/DP
>
> **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
>
> *It is important to think beyond yourself.*
>
> **CONFIDENTIALITY NOTICE – UNCLASSIFIED INFORMATION**
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Please consider the environment before printing this email

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 5/8/2019 6:29:53 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: RE: Questions abou Ex. 7(A)

Thanks Sarah!

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 2:19 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

Please let me know if you need anything else!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 2:13 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 2:05 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Kristin,

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 1:25 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Awesome! Thanks again!

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 1:21 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 1:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

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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From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 1:01 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Let me check my files!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 12:55 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Question Ex. 7(A)

Ex. 5 AC/AWP/DP

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:50 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 12:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Sarah,

Ex. 5 AC/AWP/DP

Thanks!

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 11:50 AM

To: Zimny, James <zimny.james@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Kristin,

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Zimny, James
Sent: Wednesday, May 08, 2019 11:40 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 11:38 AM
To: Zimny, James <zimny.james@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Thanks James! Ex. 5 AC/AWP/DP

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: Zimny, James
Sent: Wednesday, May 8, 2019 11:37 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan

<Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

1)

2)

Ex. 5 AC/AWP/DP

Morgan and I will attend the OCE weekly tomorrow. Thanks for the heads-up Kristin!

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 10:37 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Questions about Ex. 7(A)

Good morning everyone,

Ex. 5 AC/AWP/DP

Please let me know if there's anything I can do to help. Thanks!

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: Zimny, James [zimny.james@epa.gov]
Sent: 5/17/2019 5:05:56 PM
To: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Subject: RE: Ex. 7(A) CD memo

Ex. 5 Attorney Work Product (AWP)

From: Gonzalez, Sarah
Sent: Friday, May 17, 2019 12:37 PM
To: Zimny, James <zimny.james@epa.gov>
Subject: RE: Ex. 7(A) CD memo

Thanks!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Zimny, James
Sent: Thursday, May 16, 2019 5:13 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject Ex. 7(A) CD memo

James Zimny
Water Enforcement Division
Environmental Protection Agency
(202)564-6551
Zimny.james@epa.gov

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 7/22/2019 6:21:54 PM
To: Theis, Joseph [Theis.Joseph@epa.gov]
CC: Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Joe!

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: Theis, Joseph
Sent: Monday, July 22, 2019 2:21 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Ex. 7(A)

O.K. I'll put it on the agenda to discuss the options.

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

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From: Rae, Sarah
Sent: Monday, July 22, 2019 2:18 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Ex. 7(A)

Joe,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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: Theis, Joseph
Sent: Monday, July 22, 2019 2:05 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Re: Ex. 7(A)

Thanks Sarah. Ex. 5 AC/AWP/DP

On Jul 22, 2019, at 1:54 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

Loren,

Ex. 5 AC/AWP/DP

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

It is important to think beyond yourself.

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Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 9/30/2019 1:40:19 PM
To: Armor, Suzanne [Armor.Suzanne@epa.gov]; Mann, Valerie (ENRD) [Valerie.Mann@usdoj.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

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: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Monday, September 30, 2019 9:38 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Ex. 7(A)

Any news?

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Friday, September 20, 2019 11:54 AM
To: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

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: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Thursday, September 19, 2019 4:07 PM
To: Armor, Suzanne <Armor.Suzanne@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Armor, Suzanne <Armor.Suzanne@epa.gov>
Sent: Thursday, September 19, 2019 3:41 PM
To: Mann, Valerie (ENRD) <VMann@ENRD.USDOJ.GOV>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

Thanks, Valerie.

Ex. 5 AC/AWP/DP

Best,
Suzanne

From: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Sent: Monday, September 16, 2019 10:50 AM
To: jmilner@brunini.com; Gene Wasson <gwasson@brunini.com>
Cc: Armor, Suzanne <Armor.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

For your files.

--Valerie Mann

Office Phone
202 616 8756

USPS Address
P.O. Box 7611
Washington, D.C. 20044

FedEx and other Overnight Service Address
4 Constitution Square
150 M Street N.E. room 2.900
Washington, D.C. 20002

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 6/26/2019 7:54:36 PM
To: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: FW: Ex. 7(A)

FYI!

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: Rae, Sarah
Sent: Wednesday, June 26, 2019 3:53 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: FW: Ex. 7(A)

Caroline,

Latest from DOJ/R4. See emails below.

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: Bush, William
Sent: Wednesday, June 26, 2019 3:49 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

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

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. 5 AC/AWP/DP

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

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 6/26/2019 6:44:00 PM
To: Bush, William [Bush.William@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A) SEP/CD Update

Thanks Bill!

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: Bush, William
Sent: Wednesday, June 26, 2019 2:33 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A) SEP/CD Update

fyi

From: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:24 PM
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

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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Message

From: Gonzalez, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 5/8/2019 6:04:36 PM
To: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: RE: Questions about Ex. 7(A)
Attachments: Ex. 7(A)

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)

gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 1:25 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Awesome! Thanks again!

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 1:21 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 1:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

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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From: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 1:01 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Let me check my files!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 12:55 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ben said he had a record that it was Joanna's case that was assigned to you when she left, and then redelegated back to the Region.

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 12:50 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Buterbaugh, Kristin
Sent: Wednesday, May 08, 2019 12:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Sarah,

Ex. 5 AC/AWP/DP

Thanks!

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: Gonzalez, Sarah
Sent: Wednesday, May 8, 2019 11:50 AM
To: Zimny, James <zimny.james@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Kristin,

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Zimny, James
Sent: Wednesday, May 08, 2019 11:40 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 11:38 AM
To: Zimny, James <zimny.james@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Thanks James! Ex. 5 AC/AWP/DP

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

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: Zimny, James
Sent: Wednesday, May 8, 2019 11:37 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: Questions about Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Buterbaugh, Kristin
Sent: Wednesday, May 8, 2019 10:37 AM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: Questions about Ex. 7(A)

Good morning everyone,

Ex. 5 AC/AWP/DP

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

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.

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 9/12/2019 2:30:02 PM
To: Pollins, Mark [Pollins.Mark@epa.gov]
CC: Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
Subject: RE: Ex. 5 AC/DP

Thanks Mark!

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: Pollins, Mark <Pollins.Mark@epa.gov>
Sent: Thursday, September 12, 2019 10:24 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: Re: Ex. 5 AC/DP

Thanks. Just shared with Mita who is sitting next to me.

Sent from my iPhone

On Sep 12, 2019, at 9:42 AM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

> FYI re Ex. 5 AC/DP
>
> **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:** Bodine, Susan <bodine.susan@epa.gov>
> **Sent:** Thursday, September 12, 2019 9:41 AM
> **To:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
> **Cc:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
> **Subject:** RE: Ex. 5 AC/DP

OK
Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Thursday, September 12, 2019 9:13 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 5 AC/DP

Susan—

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

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 7/19/2019 1:10:57 PM
To: Pollins, Mark [Pollins.Mark@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; King, Carol [King.Carol@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Mark!

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: Pollins, Mark
Sent: Friday, July 19, 2019 9:07 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Fwd: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

> **From:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Date:** July 19, 2019 at 8:52:50 AM EDT
> **To:** "Palmer, Leif" <Palmer.Leif@epa.gov>
> **Cc:** "Pollins, Mark" <Pollins.Mark@epa.gov>
> **Subject:** Ex. 7(A)
>
> Leif-
>
> Ex. 5 AC/AWP/DP
>
> Rosemarie
>
> Regards,
> Rosemarie A. Kelley, Director
> Office of Civil Enforcement
> Office of Enforcement and Compliance Assurance
> 202-564-4014

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 9/12/2019 1:32:10 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Ex. 5 AC/DP

Thanks Caroline.

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 9:14 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Fwd: Ex. 5 AC/DP

Sent from my iPhone

Begin forwarded message:

> **From:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Date:** September 12, 2019 at 9:12:52 AM EDT
> **To:** "Bodine, Susan" <bodine.susan@epa.gov>
> **Cc:** "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Porter, Amy" <Porter.Amy@epa.gov>, "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Rae, Sarah" <Rae.Sarah@epa.gov>
> **Subject:** Ex. 5 AC/DP
>
> Susan—
>
> Ex. 5 AC/AWP/DP
>
> Let us know if you have any questions or concerns with this plan.

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 9/10/2019 10:12:53 PM
To: Porter, Amy [Porter.Amy@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Amy!

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: Porter, Amy <Porter.Amy@epa.gov>
Sent: Tuesday, September 10, 2019 5:55 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: Re: Ex. 7(A)

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

Sent from my iPhone

On Sep 10, 2019, at 5:25 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

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

Sent from my iPhone

On Sep 10, 2019, at 5:22 PM, Porter, Amy <Porter.Amy@epa.gov> wrote:

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

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Tuesday, September 10, 2019 5:04 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Denton, Loren

<Denton.Loren@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Ex. 7(A)

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

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: Tuesday, September 10, 2019 4:36 PM
To: Denton, Loren <Denton.Loren@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Ex. 7(A)

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

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: Denton, Loren <Denton.Loren@epa.gov>
Sent: Tuesday, September 10, 2019 4:10 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: Re: Ex. 7(A)

FYI

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

Sent from my iPhone

On Sep 10, 2019, at 1:41 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

sounds good, thanks!

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: Tuesday, September 10, 2019 1:37 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: Ex. 7(A)

No not yet. I just got the write up on the other case, and it needs work.

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

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From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Tuesday, September 10, 2019 1:36 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: Ex. 7(A)

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

Thanks,

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: Wednesday, September 04, 2019 4:55 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: Ex. 7(A)

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

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

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From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Wednesday, September 04, 2019 2:33 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: Ex. 7(A)

Caroline,

I got the OK from my counterpart in R4. Here is the updated draft.

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: Wednesday, September 04, 2019 2:21 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Re: Ex. 7(A)

☺👈

Sent from my iPhone

On Sep 4, 2019, at 2:16 PM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

good catch! Will do.

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: Wednesday, September 04, 2019 2:16 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

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

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From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Wednesday, September 04, 2019 1:49 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Caroline – here is what I just put together and sent to my counterpart in R4 for review. I will send you the final version when it is ready!

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: Wednesday, September 04, 2019 1:47 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: Ex. 7(A)

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

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: Wednesday, September 04, 2019 1:11 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Thanks! I will work on updating this now.

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: Wednesday, September 04, 2019 1:10 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: Ex. 7(A)

Sarah –

Attached is a (one of many...) cheat sheet that has the language james provided r Ex. 5 AC/DP

Ex. 5 AC/DP

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

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Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 9/20/2019 3:53:12 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Denton, Loren [Denton.Loren@epa.gov]
Subject: RE: URGENT - for your review - Ex. 7(A)

Okay, thanks for the update. Have a good weekend!

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: Friday, September 20, 2019 11:47 AM
To: Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Re: URGENT - for your review - Ex. 7(A)

Ex. 5 AC/AWP/DP

Sent from my iPhone

On Sep 20, 2019, at 11:36 AM, Rae, Sarah <Rae.Sarah@epa.gov> wrote:

> Good morning Caroline – Any updates on this?
>
> **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 12:55 PM
> **To:** Rae, Sarah <Rae.Sarah@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> **Cc:** Denton, Loren <Denton.Loren@epa.gov>
> **Subject:** RE: URGENT - for your review - Ex. 7(A)

Thanks, sarah!

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

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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: RE: URGENT - for your review - Ex. 7(A)

Ex. 5 AC/AWP/DP

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: URGENT - for your review Ex. 7(A)

Hi Ladies,

Ex. 5 AC/AWP/DP

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency

202-564-6012

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Message

From: Rae, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3F6A620063F4EEFB009090356017754-GONZALEZ, S]
Sent: 8/2/2019 1:10:47 AM
To: Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

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: Pollins, Mark <Pollins.Mark@epa.gov>
Sent: Thursday, August 01, 2019 3:38 PM
To: Rae, Sarah <Rae.Sarah@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: FW: Ex. 7(A)

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: Starfield, Lawrence
Sent: Thursday, August 01, 2019 2:27 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Larry

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Message

From: Pollins, Mark [Pollins.Mark@epa.gov]
Sent: 5/14/2019 6:04:37 PM
To: Zimny, James [zimny.james@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
CC: Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: Ex. 7(A) nfo for WED gen

Ex. 5 AC/AWP/DP

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: Zimny, James
Sent: Tuesday, May 14, 2019 11:51 AM
To: Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: Ex. 7(A) nfo for WED gen

Ex. 5 AC/AWP/DP

-James

Message

From: Zimny, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=344E18382D17436E8320E8938B7C5206-ZIMNY, JAMES]
Sent: 4/9/2019 3:02:27 PM
To: Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: draft email to Rosemarie

Ex. 5 AC/AWP/DP

From: Rog, Morgan
Sent: Tuesday, April 09, 2019 10:50 AM
To: Zimny, James <zimny.james@epa.gov>
Subject: draft email to Rosemarie

Ex. 5 AC/AWP/DP

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

Message

From: Zimny, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=344E18382D17436E8320E8938B7C5206-ZIMNY, JAMES]
Sent: 5/20/2019 2:15:34 PM
To: Theis, Joseph [Theis.Joseph@epa.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: Ex. 7(A) - R6/DOJ Call on Wed, May 22

Ex. 5 AC/AWP/DP

From: Theis, Joseph
Sent: Monday, May 20, 2019 8:26 AM
To: Rog, Morgan <Rog.Morgan@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>
Subject: RE: Ex. 7(A) R6/DOJ Call on Wed, May 22

Morgan,
It looks like there is a drinking water NCI meeting at that time (1 pm Wednesday), but I can probably skip it, or maybe it is not happening with Mark and Loren out in Region 10.
Please forward me the scheduler for the Ex. 7(A) meeting if you have or ask that I be added so I can put it on my calendar.
Thanks,
- Joe
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

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From: Rog, Morgan
Sent: Monday, May 20, 2019 7:35 AM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Zimny, James <zimny.james@epa.gov>
Subject: FW: Ex. 7(A) R6/DOJ Call on Wed, May 22

Good morning Joe,

Ex. 5 AC/AWP/DP

Thanks,
Morgan

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: McDonald, Scott
Sent: Friday, May 17, 2019 4:59 PM
To: Payne, James <payne.james@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: FW: Ex. 7(A) 6/DOJ Call on Wed, May 22

All,

Ex. 5 AC/AWP/DP

Scott McDonald, Chief
Water Enforcement Branch
Office of Regional Counsel
Environmental Protection Agency, Region 6
(214) 665-2718

From: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Sent: Wednesday, May 15, 2019 5:58 PM
To: McDonald, Scott <mcdonald.scott@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: Re: Ex. 7(A) - R6/DOJ Call

We need the people required to make a decision on how to proceed on those issues.

On May 15, 2019, at 6:55 PM, McDonald, Scott <mcdonald.scott@epa.gov> wrote:

Brandon,

Ex. 5 AC/AWP/DP

Thanks,
Scott

From: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>
Sent: Wednesday, May 15, 2019 4:11 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>
Subject: Ex. 7(A) R6/DOJ Call

Rusty and Scott,

Ex. 5 AC/AWP/DP

Brandon

Trial Attorney
Environmental Enforcement Section
US Department of Justice
PO Box 7611 Ben Franklin Station
Washington, DC 20044
o: 202.514.5292
Ex. 6 Personal Privacy (PP)
e: brandon.robers@usdoj.gov

Overnight deliveries:
601 D St., NW
Room 8924
Washington, DC 20004

<consent_decree_memo_updated_0.pdf>

Message

From: Zimny, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=344E18382D17436E8320E8938B7C5206-ZIMNY, JAMES]
Sent: 5/14/2019 1:17:11 PM
To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]; Rog, Morgan [Rog.Morgan@epa.gov]
Subject: RE: SEP

Ex. 5 AC/AWP/DP

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Monday, May 13, 2019 4:18 PM
To: Rog, Morgan <Rog.Morgan@epa.gov>; Zimny, James <zimny.james@epa.gov>
Subject: RE: SEP

Ex. 5 AC/AWP/DP

Thanks!
Donna

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Rog, Morgan <Rog.Morgan@epa.gov>
Sent: Friday, April 26, 2019 12:07 PM
To: Zimny, James <zimny.james@epa.gov>; Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Subject: RE: SEP

Ex. 5 AC/AWP/DP

Morgan Rog
Attorney Advisor
U.S. EPA, Office of Civil Enforcement
Ph: (202) 564-7109
rog.morgan@epa.gov

From: Zimny, James
Sent: Friday, April 26, 2019 11:54 AM
To: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: SEP

Ex. 5 AC/AWP/DP

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Friday, April 26, 2019 11:50 AM
To: Zimny, James <zimny.james@epa.gov>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: SEP

Thanks, James.

Ex. 5 AC/AWP/DP

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

From: Zimny, James <zimny.james@epa.gov>
Sent: Friday, April 26, 2019 11:40 AM
To: Duer, Donna (ENRD) <DDuer@ENRD.USDOJ.GOV>
Cc: Rog, Morgan <Rog.Morgan@epa.gov>
Subject: RE: SEP

Hi Donna,
I'm copying Morgan since we're both on the Ex. 7(A) se too.

Ex. 5 AC/AWP/DP

-James

From: Duer, Donna (ENRD) <Donna.Duer@usdoj.gov>
Sent: Thursday, April 25, 2019 5:54 PM
To: Zimny, James <zimny.james@epa.gov>
Subject: SEP

Ex. 5 AC/AWP/DP

Donna Duer
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice

202-514-3475
Donna.duer@usdoj.gov

If you are not the intended recipient of this email, please notify me by return email or telephone and delete this email.

Message

From: Zimny, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=344E18382D17436E8320E8938B7C5206-ZIMNY, JAMES]
Sent: 7/22/2019 2:10:32 PM
To: Carroll, Thomas (ENRD) [Thomas.Carroll@usdoj.gov]; Vaughn, Alan [Vaughn.Alan@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Friday, July 19, 2019 10:17 AM
To: Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Ex. 7(A)

Thanks Alan.

From: Vaughn, Alan <Vaughn.Alan@epa.gov>
Sent: Friday, July 19, 2019 9:52 AM
To: Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>; Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

Alan

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Friday, July 19, 2019 8:37 AM
To: Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Peters, Carol <Peters.Carol@epa.gov>
Sent: Friday, July 19, 2019 9:35 AM
To: Zimny, James <zimny.james@epa.gov>; Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Welton, Patricia
Sent: Friday, July 19, 2019 7:33 AM
To: McDonald, Scott <mcdonald.scott@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Payne, James <payne.james@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

Message

From: Zimny, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=344E18382D17436E8320E8938B7C5206-ZIMNY, JAMES]
Sent: 7/22/2019 2:06:58 PM
To: Denton, Loren [Denton.Loren@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Joseph Theis [Theis.Joseph@epa.gov]
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Carroll, Thomas (ENRD) <Thomas.Carroll@usdoj.gov>
Sent: Friday, July 19, 2019 9:37 AM
To: Peters, Carol <Peters.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Peters, Carol <Peters.Carol@epa.gov>
Sent: Friday, July 19, 2019 9:35 AM
To: Zimny, James <zimny.james@epa.gov>; Carroll, Thomas (ENRD) <TCarroll@ENRD.USDOJ.GOV>
Cc: Vaughn, Alan <Vaughn.Alan@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

From: Welton, Patricia
Sent: Friday, July 19, 2019 7:33 AM
To: McDonald, Scott <mcdonald.scott@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Payne, James <payne.james@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Alan <Vaughn.Alan@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 8/7/2019 7:15:40 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:R Ex. 7(A) evised Talking Points Judicial Consent Decree Centralized Monitoring System)

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

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:R Ex. 7(A) 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

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

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: Ex. 7(A) Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

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

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: Ex. 7(A) udicial 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 AC/AWP/DP, Ex. 7(A)

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

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: Sacker, Paul [Sacker.Paul@epa.gov]
Sent: 3/21/2018 6:10:07 PM
To: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
Subject: RE: Please read and respond ASAP
Attachments: Judgment by Confession.pdf

For Yetim - to be as accurate as possible, the correct term I would use is "positive Court decision for Judgement by Confession…" rather than "summary judgment", as again, Respondent settled at the last minute. Decision attached.

Paul M. Sacker
Senior Enforcement Officer
US EPA, Region 2
UST Program
212 637 4237

From: Walker, Yolaanda
Sent: Wednesday, March 21, 2018 2:05 PM
To: Sacker, Paul <Sacker.Paul@epa.gov>
Subject: RE: Please read and respond ASAP

Paul,

Can you check the edits we made to the two cases you provided.

- Falcon (2017): Region 2 Administrative settlement; $60K civil penalty; a Centralized Monitoring System SEP covering 26 UST facilities worth $226 and $218k in additional injunctive relief.
- Nedjet Yetim, et. al (2016 -2017): Region 2, Judicial; Two cases against two parties resulted in a CD for one and in a positive Court decision for summary judgment for the other Defendant in the two settlements totaled $910K in civil penalties.

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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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: Sacker, Paul
Sent: Wednesday, March 21, 2018 11:10 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: RE: Please read and respond ASAP

Three recent Judicial cases I worked on:

Falcon:
2017. The settlement of the Falcon Petroleum Case which included a civil penalty of $60K, a CMS SEP covering 26 UST facilities worth $226 and $218k in additional injunctive relief.

Nedjet Yetim, et al:

2016-2017: Aase that took eight years to full complete. Culminated in a positive Court decision for summary judgment for one set of Defendants and two settlements totally $910K in civil penalties.

Adirondack Energy:

CD recently terminated: Addressed violations at 8 UST facilities in NY, resulting in $46k in civil penalties and $112k in SEPs including 5 years of CMS.

Two civil cases I am currently involved with

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

Also (not my cases so my knowledge limited Claudia please fill in any blanks – not in our Case Summary!):

To Go: Judicial case - Settlement discussion ongoing. **Ex. 7(A)** Proposed Penalty_____?

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

Town of North Hempstead: Admin case just settled. Includes $ in _____ SEP and $_____ penalty?

Westchester County: CA/FO just agreed to with $90k penalty and no SEP.

Paul M. Sacker
Senior Enforcement Officer
US EPA, Region 2
UST Program
212 637 4237

From: Walker, Yolaanda
Sent: Wednesday, March 21, 2018 10:12 AM

To: Sacker, Paul <Sacker.Paul@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Please read and respond ASAP

Paul,

We highlight the following cases you guys handled in your region in our briefing document. Take a quick look to make sure the information is correct. Will need feedback ASAP.

- Total Petroleum Puerto Rico, Corp (2015): Region 2 Judicial; $426,000 civil penalty, $1 million compliance measures; $600,000 SEP; 125 gas stations.
- Suffolk County (2014): Region 2 Judicial; $500,000 civil penalty; 1.5 million SEP; 45 gas stations.
- Citygas Corp et. al; (four separate settlements ranging from 2006 thru 2012): Region 2 Judicial, $2,300,000 civil penalties; total compliance and remedial measures value of $1,273,000; 45 other defendants; 24 facilities; 114 USTs.
- Asti Holding Corp. (2008): Region 2 Judicial, $650K penalty, 23 gas stations, 155 tanks.
- City of New York (2006): Region 2 judicial, $1.3 million penalty, 400 facilities, 1,600 USTs.

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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Message

From: Sullivan, Greg [Sullivan.Greg@epa.gov]
Sent: 7/3/2019 5:49:50 PM
To: Walker, Yolaanda [Walker.Yolaanda@epa.gov]
CC: Teter, Royan [Teter.Royan@epa.gov]
Subject: RE: Privileged/Enforcement Confidential - Ex. 7(A) background below.

THanks

From: Walker, Yolaanda
Sent: Wednesday, July 03, 2019 1:28 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Privileged/Enforcement Confidential - Ex. 7(A) background below.

Greg,

Resending the background on Ex. 7(A) per your request. Added the SEP description in red below.

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: Walker, Yolaanda
Sent: Wednesday, June 12, 2019 3:05 PM
To: Greg Sullivan <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>
Subject: FW: Privileged/Enforcement Confidential - Ex. 7(A)

****
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: Gutierrez, Claudia
Sent: Thursday, May 9, 2019 4:24 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sacker, Paul <Sacker.Paul@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: Privileged/Enforcement Confidential - Ex. 7(A)

Yolaanda thank you for reaching out to Paul.

FYI – I'm the case manager for Ex. 7(A) Dore, our director thought it would be best if I kept the case. This was originally Ton's case (Ton retired in December 2018).
Let us know if you have any questions.
Claudia
212-637-5036

See below:

DOJ referral Ex. 7(A)

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Region 2 Contacts:
Bruce Aber, Region 2 ORC, 212-637-3224 and Claudia Gutierrez, Region 2 ECAD, 212-637-5036.

Claudia Gutierrez, M.S./US Environmental Protection Agency/290 Broadway, NY, NY/212-637-5036

Appointment

From: Walker, Yolaanda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C25410E6752E4D3385EB2B0025B87A2F-YWALKER]
Sent: 8/7/2019 2:47:56 PM
To: Teter, Royan [Teter.Royan@epa.gov]; Greg Sullivan [Sullivan.Greg@epa.gov]
CC: Saenz, Diana [Saenz.Diana@epa.gov]

Subject: Canceled: Enforcement Confidential -Pre-meet (Re: Ex. 7(A) evised Talking Points Judicial Consent Decree Centralized Monitoring System)
Attachments: Ex. 7(A) MS ORC Talking Points August 6 2019 v3.docx
Location: Greg's office

Start: 8/7/2019 2:30:00 PM
End: 8/7/2019 3:00:00 PM
Show Time As: Free

Importance: High

Enforcement Confidential

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

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: Ex. 7(A) Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

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

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: Ex. 7(A) Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
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Hi Greg,

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

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 [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C25410E6752E4D3385EB2B0025B87A2F-YWALKER]
Sent: 8/6/2019 1:39:38 PM
To: Teter, Royan [Teter.Royan@epa.gov]
Subject: FW: Ex. 7(A) Sessions Memo and CMS issue

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: Tuesday, August 6, 2019 9:38 AM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Ex. 7(A) Sessions Memo and CMS issue

ENFORCEMENT CONFIDENTIAL

Hi Yolanda,

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

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

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 [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C25410E6752E4D3385EB2B0025B87A2F-YWALKER]
Sent: 8/7/2019 8:40:07 PM
To: Saenz, Diana [Saenz.Diana@epa.gov]
CC: Teter, Royan [Teter.Royan@epa.gov]
Subject: Important. Ex. 7(A) Talking Points for Susan Bodine
Attachments: Ex. 7(A) CMS Region 2 Talking Points August 7 2019.docx

Importance: High

Diana,

Attached are the final talking points for Ex. 7(A) Let me know if you need anything else.

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: 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: Ex. 7(A) CMS Talking Points for Susan Bodine
Importance: High

Yolanda,

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

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: Ex. 7(A) Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Bruce and Naomi,

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

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: Ex. 7(A) Revised Talking Points Judicial Consent Decree Centralized Monitoring System)

Ex. 5 AC/AWP/DP Recently, DOJ has gone back and reopened negotiated terms that have included municipal SEPs. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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: Ex. 7(A) 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

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

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: Ex. 7(A) Revised Talking Points Judicial Consent Decree Centralized Monitoring System

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ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

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

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: Ex. 7(A) Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

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Hi Greg,

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

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

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: karen.dworkin@usdoj.gov [karen.dworkin@usdoj.gov]
Sent: 4/29/2019 4:14:50 PM
To: karen.dworkin@usdoj.gov; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; bruce.gelber@usdoj.gov; Porter, Amy [Porter.Amy@epa.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: FW: 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

-----Original Appointment-----
From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Monday, April 29, 2019 11:33 AM
To: karen.dworkin@usdoj.gov; Starfield, Lawrence; bruce.gelber@usdoj.gov; Porter, Amy
Cc: Douglas, Nathaniel (ENRD); Snow, Corinne (ENRD); Mariani, Tom (ENRD); Kelley, Rosemarie
Subject: SEP discussion on Monday
When: Monday, April 29, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: call-in number

Ex. 6 Personal Privacy (PP)

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 about Ex. 7(A) 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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 4/23/2019 3:16:47 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Consent Decree

gotcha

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: Fogarty, Johnpc
Sent: Tuesday, April 23, 2019 11:15 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Was not covered

From: Makepeace, Caroline
Sent: Tuesday, April 23, 2019 11:12 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Consent Decree

Ex. 5 AC/DP

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: Fogarty, Johnpc
Sent: Tuesday, April 23, 2019 11:11 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Consent Decree

Just wrapped up - Ex. 5 AC/DP

From: Makepeace, Caroline
Sent: Tuesday, April 23, 2019 11:07 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Consent Decree

Did u have the General with Larry today?

Sent from my iPhone

On Apr 23, 2019, at 10:40 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

> 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
>
> **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. 5 AC/AWP/DP

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

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

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)

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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Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 9/10/2019 10:23:43 PM
To: Koslow, Karin [Koslow.Karin@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Yes, thanks all for doing this so quickly.

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Tuesday, September 10, 2019 6:04 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Great – thanks all.

Caroline E – assume you will make sure Susan and Larry also get the final clean version as submitted.

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: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 5:07 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Per John's earlier comment, I deleted the phrase below. Revised draft attached. Is this good to go to OCIR now?

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 4:46 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Love it! Thanks, John, my poor brain is a little fried right now!
Attaching a version that retains Susan's point about a long history.

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

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, September 10, 2019 4:40 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Try this for the third bullet, perhaps?

- Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 4:33 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

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: Makepeace, Caroline
Sent: Tuesday, September 10, 2019 4:25 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Ex. 5 AC/DP

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

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, September 10, 2019 4:00 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

For everyone's reference, the first formal SEP policy was in 1991 (there was a followup revision in 1995 and another in 1998). Prior to that, the 1984 "General Framework" policy (GM-22) allowed for "alternative payments" or "environmentally beneficial expenditures" in settlements (along with penalty mitigation), which is what eventually became SEPs.

To Caroline's point, projects that pre-dated 1991 were kind of all over the place – there were almost no criteria for what was acceptable under the 1984 Framework guidance, which is what the initial 91 policy was intended to address (along with additional criteria/tightening of the practice in the 95 and 98 revisions).

The 91 policy was the first to introduce the concept of nexus, **Ex. 5 AC/DP**

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 3:39 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Susan's comments - SEPs fact sheet for Hearing Binder

Karin -

Ex. 5 AC/DP

Sent from my iPhone

On Sep 10, 2019, at 2:28 PM, Koslow, Karin <Koslow.Karin@epa.gov> wrote:

John & Caroline M – can you please coordinate to finalize this now that we have Susan and Larry's comments?

Caroline E – what's your deadline for getting this pulled into the materials for the Administrator? Or are we working outside of that framework at this point?

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: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, September 10, 2019 2:24 PM
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>
Subject: RE: SEPs fact sheet for Hearing Binder

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

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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/10/2019 8:46:04 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder
Attachments: OECA SEPs in Muni Cases Fact Sheet.v2.9.10.19_.docx

Love it! Thanks, John, my poor brain is a little fried right now!

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, September 10, 2019 4:40 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Try this for the third bullet, perhaps?

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 4:33 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

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: Makepeace, Caroline
Sent: Tuesday, September 10, 2019 4:25 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Ex. 5 AC/DP

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

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, September 10, 2019 4:00 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

For everyone's reference, the first formal SEP policy was in 1991 (there was a followup revision in 1995 and another in 1998). Prior to that, the 1984 "General Framework" policy (GM-22) allowed for "alternative payments" or "environmentally beneficial expenditures" in settlements (along with penalty mitigation), which is what eventually became SEPs.

To Caroline's point, projects that pre-dated 1991 were kind of all over the place – there were almost no criteria for what was acceptable under the 1984 Framework guidance, which is what the initial 91 policy was intended to address (along with additional criteria/tightening of the practice in the 95 and 98 revisions).

The 91 policy was the first to introduce the concept of nexus, Ex. 5 AC/DP

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 3:39 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Susan's comments - SEPs fact sheet for Hearing Binder

Karin -

Ex. 5 AC/DP

Sent from my iPhone

On Sep 10, 2019, at 2:28 PM, Koslow, Karin <Koslow.Karin@epa.gov> wrote:

John & Caroline M – can you please coordinate to finalize this now that we have Susan and Larry's comments?

Caroline E – what's your deadline for getting this pulled into the materials for the Administrator? Or are we working outside of that framework at this point?

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: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, September 10, 2019 2:24 PM
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>
Subject: RE: SEPs fact sheet for Hearing Binder

More edits

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
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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>
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Karin,

Ex. 5 AC/DP

Larry

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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

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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/10/2019 6:58:20 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: SEPs fact sheet for Hearing Binder

Lol!

Sent from my iPhone

On Sep 10, 2019, at 2:57 PM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 AC/DP

Sent from my iPhone

On Sep 10, 2019, at 2:51 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
Date: September 10, 2019 at 2:24:07 PM EDT
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>
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More edits

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Karin,

Ex. 5 AC/DP

Larry

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-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

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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>
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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

<OECA SEPs in Muni Cases Fact Sheet.9.10.19 w LS comments.docx>

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 9/10/2019 6:38:13 PM
To: Koslow, Karin [Koslow.Karin@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Yes, so at this point **by COB today**. I will make sure that our front office has the all revised fact sheets before the politicals meet for hearing prep which I understand is tomorrow. Thanks, Caroline

---

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Tuesday, September 10, 2019 2:28 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
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More edits

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Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Struhar, Kirby <struhar.kirby@epa.gov>
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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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/9/2019 2:28:32 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Hearing Binder Fact Sheet Check-in

Nvm, I found a "draft" copy that should do the trick for content.

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

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Monday, September 09, 2019 10:27 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

I'm not sure I ever got it

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Monday, September 09, 2019 10:26 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Hearing Binder Fact Sheet Check-in

I have a hard copy but am having trouble finding it electronically

Sent from my iPhone

On Sep 9, 2019, at 10:21 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

> Lucky you. Btw, do you have Susan's email to Jeff? That probably has 99% of what's needed for this. When your computer is not crashing, that is.
>
> ---
>
> **From:** Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Sent:** Monday, September 09, 2019 10:13 AM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Subject:** Re: Hearing Binder Fact Sheet Check-in
>
> Got that off. But my computer is crashing, twice now. Arrrgh. Effing Monday morning. Just wanna get back under the covers.
>
> Sent from my iPhone
>
> On Sep 9, 2019, at 10:11 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:
>
>> Talked w/Rosemarie on it- we should go w/it. Also your out of office is still on.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Monday, September 09, 2019 10:09 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Monday, September 09, 2019 9:47 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Hearing Binder Fact Sheet Check-in

Ex. 5 Deliberative Process (DP)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Monday, September 09, 2019 9:45 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Hearing Binder Fact Sheet Check-in

That was my plan...;)
Welcome back.....LOL...;)

Sent from my iPhone

On Sep 9, 2019, at 9:30 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

> Thx! I've got the usual management meetings this morning. Can you maybe take a crack at a draft based on whatever we have as insrtuctions for folks, and we'll go from there?
>
> **From:** Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Sent:** Monday, September 09, 2019 9:26 AM
> **To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Subject:** Re: Hearing Binder Fact Sheet Check-in
>
> **Ex. 5 Deliberative Process (DP)** Like I said, welcome back...and like you said, blech....and like I said, I don't wanna....
>
> Btw, welcome back! For real.
>
> Sent from my iPhone

On Sep 9, 2019, at 9:22 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Monday, September 09, 2019 8:58 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Fwd: Hearing Binder Fact Sheet Check-in

First, welcome back!! Missed you! Hope you had a really really good time!!
Second, I cannot begin to express in words how much I do not want to do this. Don't wanna, Don't wanna, Don't wanna, doooooooonnnnnn'tttt waaaaaannnnnnna! There, I got that out. For the moment.

Ex. 5 Deliberative Process (DP)

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

Ex. 5 AC/DP

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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 4/4/2019 2:57:53 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: SEPs

Possibly

Sent from my iPhone

On Apr 4, 2019, at 10:56 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 AC/DP

From: Makepeace, Caroline
Sent: Thursday, April 04, 2019 10:54 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: SEPs

Yes I think that is workable, and I was anticipating such an approach. I was more focused on a "clark era" where SEPs gets kibashed beyond the muni context.

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: Fogarty, Johnpc
Sent: Thursday, April 04, 2019 10:50 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEPs

No I know! Those are high transaction topics. Thinking abt when I come to xps, and as a part-timer. One option is we share sep/mitigation (which keeps that "whole" from an FTE-level perspective), and then I have whatever other stuff I'd have to make up the balance.

From: Makepeace, Caroline
Sent: Thursday, April 04, 2019 10:47 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: SEPs

Hahha, that's pretty much it. You see what I mean.....

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: Fogarty, Johnpc
Sent: Thursday, April 04, 2019 10:45 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEPs

What's your portfolio(if anything) besides sep, mitigation and new owner?

From: Makepeace, Caroline
Sent: Thursday, April 04, 2019 10:39 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: SEPs

Part time looking good.

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: Fogarty, Johnpc
Sent: Thursday, April 04, 2019 10:38 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEPs

Good luck!

From: Makepeace, Caroline
Sent: Thursday, April 04, 2019 9:11 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: SEPs

FYI – DOJ SEP 101 briefing is apparently next Friday

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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, April 04, 2019 8:22 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEPs

Thanks Caroline. I'm sure as I get ready for next Friday I'll have other ideas to kick around with you.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, April 3, 2019 5:55 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: SEPs

FWIW, had a few more thoughts about the SEP Policy. I find it's useful to frame it (and this is really how

Ex. 5 AC/DP

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.

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 8/27/2019 8:21:42 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]
Subject: Re: OECA/Bodine All-hands in R5 this morning

Dave Cozad reporter that Susan said similar things at the Region 7 all hands last Friday.

Rosemarie

On Aug 27, 2019, at 2:50 PM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Cathy Garypie (author of the original email) is pretty good- I'd expect her summary to be accurate.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, August 27, 2019 2:08 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Fwd: OECA/Bodine All-hands in R5 this morning

FYI - per the below report from staff in R5, Susan apparently said (allowing for listeners' interpretation, of course) the following at

all-hands meeting in R5 this morning:

Ex. 5 Attorney Client (AC)

NOTE: we are getting requests to join calls (so far, the AdLit and Air enforcement calls) to "discuss SEPs"

Sent from my iPhone

Begin forwarded message:

From: "Jonesi, Gary" <Jonesi.Gary@epa.gov>
Date: August 27, 2019 at 1:16:05 PM EDT

To: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: FW: OECA/Bodine All-hands in R5 this morning

FYI, see below.

--Gary

<image001.jpg>

<image002.png>

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

From: Jonesi, Gary
Sent: Tuesday, August 27, 2019 1:15 PM
To: Garypie, Catherine <garypie.catherine@epa.gov>
Subject: RE: OECA/Bodine All-hands in R5 this morning

Thanks, very helpful, and yes good idea to mention it! You may want to invite Caroline Makepeace, the national SEP Coordinator and share this with her.

--Gary

<image001.jpg>

<image002.png>

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

From: Garypie, Catherine <garypie.catherine@epa.gov>
Sent: Tuesday, August 27, 2019 1:08 PM
To: Livingston, Peggy <Livingston.Peggy@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>
Subject: OECA/Bodine All-hands in R5 this morning

FYI, Susan Bodine had an all-hands meeting in R5 this morning & I thought what she had to say about SEPs was significant:

Ex. 5 Attorney Client (AC)

Maybe we can mention this on our Sept monthly call.

Catherine Garypie, Associate Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency, Region 5
77 West Jackson Blvd. (mail code C-14J)
Chicago, Illinois 60604
PH: 312-886-5825
FAX: 312- 692-2513
EMAIL: garypie.catherine@epa.gov

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Message

From: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Sent: 8/22/2019 12:56:01 PM
To: Mirza, Sabah [Mirza.Sabah@epa.gov]; OECA Office Directors and Deputy Directors [OECA_Office_Directors_and_Deputy_Directors@epa.gov]
CC: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; King, Carol [King.Carol@epa.gov]; Vizard, Elizabeth [Vizard.Elizabeth@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Sabah,
My take on question 5 below.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
202-564-5401
Johnson.kathleen@epa.gov

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Wednesday, August 21, 2019 10:52 AM
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; King, Carol <King.Carol@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Hi all,

I sincerely apologize for this short notice - we just received some anticipated questions from Region 7 for the Q&A session at the all-hands meeting. We've tagged individuals who we think can help answer these questions for Susan and Larry. **Please reply to me and Cari by COB today.**

Ex. 5 Deliberative Process (DP),

- Caroline Makepeace and John Fogarty

Ex. 5 Deliberative Process (DP)

- Rosemarie – (could mention Pace report and Larry's comments at 2017 SEMM)

3. With Newark, lead is back in the national news again. Can you talk about what you see as the role of the enforcement program in attacking childhood blood lead poisoning?
   - Carol King, Liz Vizard, Stephanie Brown

4. We are hearing some concerns from our states about the Drinking Water NCI. We will continue to engage our states at a regional level but can you talk about how OECA plans to collaborate with states on NCI implementation?

- Mark Pollins, Carol King, Barbara VanTil, Martha Segall

5. The realignment has been a major change in Region 7. What is your perspective on how the realignment is going? What do you see as the biggest benefits of this change moving forward?
   - Kathleen, Rosemarie, David H.

Ex. 5 Deliberative Process (DP)

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

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 8/27/2019 5:29:32 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: Fwd: OLC legal advice best practices
Attachments: olc-legal-advice-opinions.pdf; ATT00001.htm

FYI

Rosemarie

Begin forwarded message:

> **From:** "Dworkin, Karen (ENRD)" <Karen.Dworkin@usdoj.gov>
> **Date:** August 27, 2019 at 12:51:11 PM EDT
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Subject: OLC legal advice best practices**
>
> Rosemarie - here's the publicly available document from OLC's website. Do you have a few minutes for a follow up discussion re see

Ex. 5 AC/DP

Message

From: Mirza, Sabah [Mirza.Sabah@epa.gov]
Sent: 8/22/2019 2:09:21 AM
To: King, Carol [King.Carol@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]
CC: Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; Vizard, Elizabeth [Vizard.Elizabeth@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Harmon, Kenneth [Harmon.Kenneth@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Heffernan, Aline [heffernan.aline@epa.gov]
Subject: RE: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Thanks so much Carol!

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: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, August 21, 2019 5:33 PM
To: Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Harmon, Kenneth <Harmon.Kenneth@epa.gov>; Wilson, Dane <Wilson.Dane@epa.gov>; Heffernan, Aline <heffernan.aline@epa.gov>
Subject: RE: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today
Importance: High

Hi Sabah and Cari,

Below are draft responses to questions 3 and 4 (please see bullets in yellow). Please note for #3 we've only addressed lead in drinking water because other folks will provide information for other statutes.

Thanks,
Carol

From: Mirza, Sabah
Sent: Wednesday, August 21, 2019 10:52 AM
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Shiffman, Cari
~~~~~~~~~~~~~~~~~~~~~~

<Shiffman.Cari@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; King, Carol <King.Carol@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Hi all,

I sincerely apologize for this short notice - we just received some anticipated questions from Region 7 for the Q&A session at the all-hands meeting. We've tagged individuals who we think can help answer these questions for Susan and Larry. **Please reply to me and Cari by COB today.**

1. We could use a little clarity on SEPS and mitigation. Our understanding is that the EPA SEP Policy is unchanged, and that there is no change on use of SEPs in administrative cases. Is that true? On civil judicial cases, can you explain what DOJ's position is on SEPs? And on mitigation? Finally, is any of this written down anywhere?
   - Caroline Makepeace and John Fogarty

Ex. 5 Deliberative Process (DP)

   - Rosemarie – (could mention Pace report and Larry's comments at 2017 SEMM)

3. With Newark, lead is back in the national news again. Can you talk about what you see as the role of the enforcement program in attacking childhood blood lead poisoning?

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

4. We are hearing some concerns from our states about the Drinking Water NCI. We will continue to engage our states at a regional level but can you talk about how OECA plans to collaborate with states on NCI implementation?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

5. The realignment has been a major change in Region 7. What is your perspective on how the realignment is going? What do you see as the biggest benefits of this change moving forward?
   - Kathleen, Rosemarie, David H.

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

Message

From: Koslow, Karin [Koslow.Karin@epa.gov]
Sent: 8/6/2019 12:04:56 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: Susan's email re: Draft SEPs State/Local Memo
Attachments: DRAFT SEP memo to Claire .docx

All – thanks for the extra-efforts you made to provide additional information/input to Susan on a very short turn-around, when your available time was already very limited.

Attached is what Susan sent to Jeff. We'll find out from Larry on Tuesday whether there's been any additional communication on the topic since this email was sent by Susan last week.

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: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, July 31, 2019 5:51 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Draft SEPs State/Local Memo

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,

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

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 7/31/2019 3:01:27 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Draft SEPs State/Local Memo

Ok great. I'll talk to him after the Weekly.

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, July 31, 2019 11:01 AM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: Re: Draft SEPs State/Local Memo

I will but he has it (sent it to him first thing this morning when I asked to have the blank filled in). Thx!

Sent from my iPhone

On Jul 31, 2019, at 10:59 AM, Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov> wrote:

> Can you please send me the latest version and I'll send it to him?
>
> **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
>
> *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:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Sent:** Wednesday, July 31, 2019 10:58 AM

To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: Fwd: Draft SEPs State/Local Memo

Kristin, can you please make sure Mark sees this and gets back to Larry today (ASAP)? Thx.

Sent from my iPhone

Begin forwarded message:

> **From:** "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>
> **Date:** July 31, 2019 at 10:53:48 AM EDT
> **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
>
> Ex. 5 AC/DP

Ex. 5 AC/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 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

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>

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 7/1/2019 3:35:08 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]
Subject: Re: Ex. 7(A)

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

Sent from my iPhone

On Jul 1, 2019, at 10:37 AM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Caroline –

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

Rosemarie

From: Makepeace, Caroline
Sent: Monday, July 01, 2019 10:06 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Fwd: Ex. 7(A)

Rosemarie and Karin,

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

Sent from my iPhone

Begin forwarded message:

From: "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>
Date: July 1, 2019 at 9:51:05 AM EDT
To: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Murphy, Kara" <Murphy.Kara@epa.gov>
Cc: "Green, Katherine" <Green.Katherine@epa.gov>, "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "McKenna, Douglas" <McKenna.Douglas@epa.gov>
Subject: RE: Ex. 7(A) discussion on June 27 2019

Ex. 7(A)

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

From: Makepeace, Caroline
Sent: Monday, July 1, 2019 9:41 AM
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: Re: Ex. 5 AC / Ex. 7(A) our discussion on June 27 2019

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> 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>
> **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:** Re: Ex. 5 AC / Ex. 7(A) discussion on June 27 2019
>
> Hi Kara and Katherine,
> I had planned to dig into this today, and loop back with you, but I find myself home Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) 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> wrote:
>
> > Hi Caroline –
> >
> > Ex. 5 AC/AWP/DP, Ex. 7(a)

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

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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 6/26/2019 7:08:09 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]
Subject: Ex. 7(A)

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

Sent from my iPhone

On Jun 26, 2019, at 3:02 PM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

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

Sent from my iPhone

On Jun 26, 2019, at 2:57 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "King, Carol" <King.Carol@epa.gov>
Date: June 26, 2019 at 2:48:21 PM EDT
To: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 7(A)

From: Bush, William
Sent: Wednesday, June 26, 2019 2:33 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A)

fyi

From: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:24 PM
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)

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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

<IMAGE001.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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Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 6/26/2019 7:03:13 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]
Subject: RE: Ex. 7(A)

This is being discussed on the ED/RC call- Region 4 raised it.

Susan is not happy.

From: Fogarty, Johnpc
Sent: Wednesday, June 26, 2019 3:02 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Ex. 7(A)

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

Sent from my iPhone

On Jun 26, 2019, at 2:57 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "King, Carol" <King.Carol@epa.gov>
> > **Date:** June 26, 2019 at 2:48:21 PM EDT
> > **To:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> > **Subject: FW:** Ex. 7(A)
> >
> > ---
> >
> > **From:** Bush, William
> > **Sent:** Wednesday, June 26, 2019 2:33 PM
> > **To:** Hicks, Matt <Hicks.Matthew@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
> > **Subject:** FW: Ex. 7(A)
> >
> > fyi
> >
> > ---
> >
> > **From:** Armor, Suzanne
> > **Sent:** Wednesday, June 26, 2019 2:24 PM
> > **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)

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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

<IMAGE001.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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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 6/26/2019 6:57:17 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]
Subject: Fwd: Ex. 7(A)

Sent from my iPhone

Begin forwarded message:

From: "King, Carol" <King.Carol@epa.gov>
Date: June 26, 2019 at 2:48:21 PM EDT
To: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Ex. 7(A)

From: Bush, William
Sent: Wednesday, June 26, 2019 2:33 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A)

fyi

From: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:24 PM
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)

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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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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 6/17/2019 6:08:29 PM
To: karen.dworkin@usdoj.gov; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Porter, Amy [Porter.Amy@epa.gov]
Subject: RE: For review Write-ups on Muni Cases with SEPs
Attachments: Muni SEPs on hold 6.17.19.docx

Further updated, with what we've got. Took out the note re Ex. 7(A) but Rosemarie will convey that we may need to discuss and work through some questions needed to ensure these projects meet the policy.

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: Monday, June 17, 2019 11:50 AM
To: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: For review Write-ups on Muni Cases with SEPs

Slightly updated version attached

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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Sunday, June 16, 2019 5:59 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: For review Write-ups on Muni Cases with SEPs

Thanks Caroline.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Sunday, June 16, 2019 5:52 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: For review Write-ups on Muni Cases with SEPs

Attached is a shot at pulling together the email traffic and snippets -- for your review, comments and any additions. I'm sharing with WED as well.

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

Thanks, and hope you had nice weekends!

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: Friday, June 14, 2019 5:08 PM
To: karen.dworkin@usdoj.gov
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Ex. 7(A)

Thank you Karen! I will try to crave out some time this weekend to patch together what we've got, and share with you for QA/QC, so our facts will be as straight as possible for Monday's call

Sent from my iPhone

On Jun 14, 2019, at 2:36 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

> We wont know on this one til Monday.
>
> **From:** Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
> **Sent:** Friday, June 14, 2019 2:10 PM
> **To:** Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
> **Subject:** Fwd: Ex. 7(A)
>
> More to follow on Monday ...
>
> -Mark
>
> Begin forwarded message:
>
> **From:** "Silverman, Matthew (USANYE)" <Matthew.Silverman@usdoj.gov>
> **Date:** June 14, 2019 at 1:21:04 PM EDT
> **To:** "Gallagher, Mark (ENRD)" <Mark.Gallagher@usdoj.gov>
> **Subject: Re:** Ex. 7(A)

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

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Jun 14, 2019, at 1:12 PM, Gallagher, Mark (ENRD) <MGallagher@enrd.usdoj.gov<mailto:MGallagher@enrd.usdoj.gov>> wrote:

Hi Matt

I haven't heard from James. Do you happen to know the answer to Karen's question?

Kate is usually in a hurry when she asks me a question so I don't like to wait too long to answer her.

If James is out and you don't know the answer let me know that also so I can tell Karen we'll have an answer for her on Monday.

-Mark

Begin forwarded message:

From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Date: June 14, 2019 at 7:53:21 AM EDT
To: "Cho, James (USANYE)" <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>, "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
Subject: Fwd: Ex. 7(A)

Hi James

Can you answer this question for Karen ?

-mark

Begin forwarded message:

From: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>
Date: June 14, 2019 at 7:18:43 AM EDT
To: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Subject: Ex. 7(A)

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

From: Gallagher, Mark (ENRD)
<MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Sent: Thursday, May 23, 2019 11:47 AM
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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace .
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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 – in advance of a meeting Susan Bodine is having with the new Principal Deputy Associate AG next week on SEPs under the Sessions' memo, Caroline and I are looking for some information on the SEPs in both of these cases. Do you have the current draft of the CDs and any relevant appendices you could send us?

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

If Caroline has more questions beyond any response you send us, are you available to talk with her. (Caroline, Mark can be reached at 202 514 5405).

Thanks Mark.

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 5/28/2019 2:00:08 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: FW: Ex. 7(A)
Attachments: ENV_ENFORCEMENT--March 27 2019 (v2) .docx; Ex. 7(A) df

FYI

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: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, May 24, 2019 3:05 PM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>; karen.dworkin@usdoj.gov; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Subject: RE: Ex. 7(A)

Dear Karen, Caroline, Mark,

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

Please let us know if you need further information, and if so, we will consult with Region 2 on Tuesday.

Truly,
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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Thursday, May 23, 2019 11:47 AM
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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace .
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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 – in advance of a meeting Susan Bodine is having with the new Principal Deputy Associate AG next week on SEPs under the Sessions' memo, Caroline and I are looking for some information on the SEPs in both of these cases. Do you have the current draft of the CDs and any relevant appendices you could send us?

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

If Caroline has more questions beyond any response you send us, are you available to talk with her. (Caroline, Mark can be reached at 202 514 5405).

Thanks Mark.

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 9/10/2019 9:08:23 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: Re: Susan's comments - SEPs fact sheet for Hearing Binder

Caroline M and I say it's ok to go

Sent from my iPhone

On Sep 10, 2019, at 5:06 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 4:46 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Love it! Thanks, John, my poor brain is a little fried right now!

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, September 10, 2019 4:40 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie

<Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

Try this for the third bullet, perhaps?

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 4:33 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

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: Makepeace, Caroline
Sent: Tuesday, September 10, 2019 4:25 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, September 10, 2019 4:00 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Susan's comments - SEPs fact sheet for Hearing Binder

For everyone's reference, the first formal SEP policy was in 1991 (there was a followup revision in 1995 and another in 1998). Prior to that, the 1984 "General Framework" policy (GM-22) allowed for "alternative payments" or "environmentally beneficial expenditures" in settlements (along with penalty mitigation), which is what eventually became SEPs.

To Caroline's point, projects that pre-dated 1991 were kind of all over the place – there were almost no criteria for what was acceptable under the 1984 Framework guidance, which is what the initial 91 policy was intended to address (along with additional criteria/tightening of the practice in the 95 and 98 revisions).

The 91 policy was the first to introduce the concept of nexus, Ex. 5 AC/DP

Ex. 5 AC/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Tuesday, September 10, 2019 3:39 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Susan's comments - SEPs fact sheet for Hearing Binder

Karin -

Ex. 5 AC/DP

Sent from my iPhone

On Sep 10, 2019, at 2:28 PM, Koslow, Karin <Koslow.Karin@epa.gov> wrote:

> John & Caroline M – can you please coordinate to finalize this now that we have Susan and Larry's comments?
>
> Caroline E – what's your deadline for getting this pulled into the materials for the Administrator? Or are we working outside of that framework at this point?

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: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, September 10, 2019 2:24 PM
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>
Subject: RE: SEPs fact sheet for Hearing Binder

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

<OECA SEPs in Muni Cases Fact Sheet.v3.9.10.19_ (002).docx>

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 4/23/2019 1:54:40 PM
To: Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
Subject: FW: Consent Decree
Attachments: Ex. 7(A)

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/DP

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/DP

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

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 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 AC/DP

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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Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 8/27/2019 5:37:42 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: RE: Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, August 27, 2019 1:30 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: Fwd: Ex. 5 AC/DP

FYI

Rosemarie

Begin forwarded message:

> **From:** "Dworkin, Karen (ENRD)" <Karen.Dworkin@usdoj.gov>
> **Date:** August 27, 2019 at 12:51:11 PM EDT
> **To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
> **Subject:** Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 8/21/2019 9:53:57 PM
To: Koslow, Karin [Koslow.Karin@epa.gov]
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: Re: Closing the loop : URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Karin, this was before Jeff's memo came out. After taking with Rosemarie I emailed Cari and Sabah that at this point Susan is the best person to pen a response to this since we don't know how she wants to message it. I thought I'd cc'd you on that but will go double check it now.

Sent from my iPhone

On Aug 21, 2019, at 5:51 PM, Koslow, Karin <Koslow.Karin@epa.gov> wrote:

> Thanks John and Caroline! I appreciate the time you took under short order, to put something together to send to Susan, and things to alert her to.
>
> Given how the SEP issues are truly evolving as we type, I did not offer any talkers and noted that Susan is fully engaged on this and does not need talking points. I actually think Susan knows what to say more than we do at this point…!
>
> 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: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, August 21, 2019 12:58 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: Re: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Aug 21, 2019, at 12:18 PM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, August 21, 2019 11:57 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: Re: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Aug 21, 2019, at 11:36 AM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 AC/DP

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Wednesday, August 21, 2019 10:52 AM
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; King, Carol <King.Carol@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Hi all,

I sincerely apologize for this short notice - we just received some anticipated questions from Region 7 for the Q&A session at the all-hands meeting. We've tagged individuals who we think can help answer these questions for Susan and Larry. **Please reply to me and Cari by COB today.**

1. We could use a little clarity on SEPS and mitigation. Our understanding is that the EPA SEP Policy is unchanged, and that there is no change on use of SEPs in administrative cases. Is that true? On civil judicial cases, can you explain what DOJ's position is on SEPs? And on mitigation? Finally, is any of this written down anywhere?
    - Caroline Makepeace and John Fogarty

Ex. 5 Deliberative Process (DP)

    - Rosemarie – (could mention Pace report and Larry's comments at 2017 SEMM)

3. With Newark, lead is back in the national news again. Can you talk about what you see as the role of the enforcement program in attacking childhood blood lead poisoning?
    - Carol King, Liz Vizard, Stephanie Brown

4. We are hearing some concerns from our states about the Drinking Water NCI. We will continue to engage our states at a regional level but can you talk about how OECA plans to collaborate with states on NCI implementation?
    - Mark Pollins, Carol King, Barbara VanTil, Martha Segall

5. The realignment has been a major change in Region 7. What is your perspective on how the realignment is going? What do you see as the biggest benefits of this change moving forward?

- Kathleen, Rosemarie, David H.

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

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 8/21/2019 3:05:44 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Already on it

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, August 21, 2019 11:05 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Fwd: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

Begin forwarded message:

From: "Mirza, Sabah" <Mirza.Sabah@epa.gov>
Date: August 21, 2019 at 10:52:06 AM EDT
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>, "Buterbaugh, Kristin" <Buterbaugh.Kristin@epa.gov>, "Shiffman, Cari" <Shiffman.Cari@epa.gov>, "Segall, Martha" <Segall.Martha@epa.gov>, "VanTil, Barbara" <vantil.barbara@epa.gov>, "King, Carol" <King.Carol@epa.gov>, "Vizard, Elizabeth" <Vizard.Elizabeth@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>, "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>, "Fogarty, Johnpc" <Fogarty.Johnpc@epa.gov>
Subject: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Hi all,

I sincerely apologize for this short notice - we just received some anticipated questions from Region 7 for the Q&A session at the all-hands meeting. We've tagged individuals who we think can help answer these questions for Susan and Larry. **Please reply to me and Cari by COB today.**

1. We could use a little clarity on SEPS and mitigation. Our understanding is that the EPA SEP Policy is unchanged, and that there is no change on use of SEPs in administrative cases. Is that true? On civil judicial cases, can you explain what DOJ's position is on SEPs? And on mitigation? Finally, is any of this written down anywhere?
   - Caroline Makepeace and John Fogarty

Ex. 5 Deliberative Process (DP)

   - Rosemarie – (could mention Pace report and Larry's comments at 2017 SEMM)

3. With Newark, lead is back in the national news again. Can you talk about what you see as the role of the enforcement program in attacking childhood blood lead poisoning?

- Carol King, Liz Vizard, Stephanie Brown

4. We are hearing some concerns from our states about the Drinking Water NCI. We will continue to engage our states at a regional level but can you talk about how OECA plans to collaborate with states on NCI implementation?
   - Mark Pollins, Carol King, Barbara VanTil, Martha Segall

5. The realignment has been a major change in Region 7. What is your perspective on how the realignment is going? What do you see as the biggest benefits of this change moving forward?
   - Kathleen, Rosemarie, David H.

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

Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: 6/26/2019 7:02:19 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]
Subject: Re: Ex. 7(A) Update

Ex. 5 AC/DP

Sent from my iPhone

On Jun 26, 2019, at 2:57 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "King, Carol" <King.Carol@epa.gov>
Date: June 26, 2019 at 2:48:21 PM EDT
To: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 7(A) **Update**

From: Bush, William
Sent: Wednesday, June 26, 2019 2:33 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: FW: Ex. 7(A) Update

fyi

From: Armor, Suzanne
Sent: Wednesday, June 26, 2019 2:24 PM
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) 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

<image001.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

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.

Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 10/16/2019 1:24:18 AM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: Re: Ex. 7(A)

Got it. Thank you

Sent from my iPhone

On Oct 15, 2019, at 7:32 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Paul—

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

Ex. 5 AC/DP

Rosemarie

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Tuesday, October 15, 2019 4:16 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Ex. 7(A)

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

Ex. 5 AC/DP

Thanks.

Ex. 6 (PP)

Paul

Paul Simon
Deputy Regional Counsel

EPA Region 2
212-637-3152

R7 Questions for All-Hands Session
August 23, 2019

1. There are about 18 months left in this administration's first term. What are your top priorities and goals to accomplish during that time? And what challenges do you see for the compliance and enforcement program over the next 18 months?

2. We could use a little clarity on SEPS and mitigation. Our understanding is that the EPA SEP Policy is unchanged, and that there is no change on use of SEPs in administrative cases. Is that true? On civil judicial cases, can you explain what DOJ's position is on SEPs? And on mitigation? Finally, is any of this written down anywhere?

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/AWP/DP

5. With Newark, lead is back in the national news again. Can you talk about what you see as the role of the enforcement program in attacking childhood blood lead poisoning?

6. This is your second rodeo as an AA. How does leading OECA compare to leading OSWER?

7. We are hearing some concerns from our states about the Drinking Water NCI. We will continue to engage our states at a regional level, but can you talk about how OECA plans to collaborate with states on NCI implementation?

8. The realignment has been a major change in Region 7. What is your perspective on how the realignment is going? What do you see as the biggest benefits of this change moving forward?

Message

From: Koslow, Karin [Koslow.Karin@epa.gov]
Sent: 8/22/2019 12:04:46 AM
To: Mirza, Sabah [Mirza.Sabah@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: Re: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Agree.

Thanks for sharing,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-0171

On Aug 21, 2019, at 11:38 AM, Mirza, Sabah <Mirza.Sabah@epa.gov> wrote:

In addition to the questions I've sent, we received 3 more questions that we think Susan can answer. But if you have anything to add for these questions, please feel free to respond as well.

1. There are about 18 months left in this administration's first term. What are your top priorities and goals to accomplish during that time? And what challenges do you see for the compliance and enforcement program over the next 18 months?

2. This is your second rodeo as an AA. How does leading OECA compare to leading OSWER?

Ex. 5 AC/DP

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, August 21, 2019 10:52 AM
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; King, Carol <King.Carol@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc
~~~~~~~~~~~~~~~~~~~~~~~~

<Fogarty.Johnpc@epa.gov>
Subject: URGENT: OECA AA Region 7 Visit - Respond to Q&A by COB today

Hi all,

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1. We could use a little clarity on SEPS and mitigation. Our understanding is that the EPA SEP Policy is unchanged, and that there is no change on use of SEPs in administrative cases. Is that true? On civil judicial cases, can you explain what DOJ's position is on SEPs? And on mitigation? Finally, is any of this written down anywhere?
   - Caroline Makepeace and John Fogarty

Ex. 5 Deliberative Process (DP)

   - Rosemarie - (could mention Pace report and Larry's comments at 2017 SEMM)

3. With Newark, lead is back in the national news again. Can you talk about what you see as the role of the enforcement program in attacking childhood blood lead poisoning?
   - Carol King, Liz Vizard, Stephanie Brown

4. We are hearing some concerns from our states about the Drinking Water NCI. We will continue to engage our states at a regional level but can you talk about how OECA plans to collaborate with states on NCI implementation?
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   - Kathleen, Rosemarie, David H.

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

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 8/20/2019 6:43:20 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: called you re SEPs

Jeff's state and local government SEP memo. Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, August 20, 2019 2:37 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: RE: called you re SEPs

Sorry that I have not been able to touch base with you. I have been in meetings.

I don't know about a SEP memo, but I did get an email from Susan communicating Claire's views (it was just a few bullets). Is there a memo?

Larry has asked me to schedule time with you/Tom and Bruce to discuss next steps.

Rosemarie

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Tuesday, August 20, 2019 2:33 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: called you re SEPs

I assume you heard about the SEP memo?

Appointment

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 4/29/2019 3:32:47 PM
To: 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: Tentative

Recurrence: (none)

Ex. 6 Personal Privacy (PP)

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.

Ex. 5 AC / Ex. 7(A)

> 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/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: 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/AWP/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:
>>>
>>> Very sorry but I just realized that I will be Ex. 6 Personal Privacy (PP) on Monday, at 2:30. Depending on how long that takes, I may or may not be free to join you. Karen.
>>>
>>> -----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

Message

From: Palmer, Leif [Palmer.Leif@epa.gov]
Sent: 6/26/2019 10:29:27 PM
To: Friedman, Henry (ENRD) [Henry.Friedman@usdoj.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Bush, William [Bush.William@epa.gov]
Subject: RE: Ex. 7(A)

Thanks Henry.

From: Friedman, Henry (ENRD) <Henry.Friedman@usdoj.gov>
Sent: Wednesday, June 26, 2019 6:15 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Bush, William <Bush.William@epa.gov>
Subject: FW: Ex. 7(A)

Dear Rosemarie and Mark, cc: Leif, Suzanne, Mita, Bill

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

I hope this is clear. If not, please let me know.

Best,

Henry

From: Friedman, Henry (ENRD)
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>; Weinischke, Bill (ENRD) <BWeinischk@ENRD.USDOJ.GOV>; Mann, Valerie (ENRD)

<VMann@ENRD.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)

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

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

Message

From: Miller, Wendy (ENRD) [Wendy.Miller@usdoj.gov]
Sent: 4/15/2019 7:19:50 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]
CC: bruce.gelber@usdoj.gov; karen.dworkin@usdoj.gov; justin.smith@usdoj.gov
Subject: Briefing Papers for the Third-Party Payments and SEPs Briefing on Friday, April 19, 2019 at 10:00 A.M.
Attachments: LPS-#268841-v1-TPP_Briefing_Paper_041519_External.DOCX; LPS-#268842-v1-SEPs_Briefing_Paper_041519_External.DOCX

CLOSE-HOLD MATERIALS ATTACHED

Hi everyone. Attached please find the two briefing papers we have prepared for this briefing, which is now scheduled for Friday, April 19, 2019, at 10 a.m. We aren't sending the attachments referenced in the papers, which are huge and nearly all of which you have. A couple of the attachments are longstanding internal documents for us.

We would appreciate your keeping the briefing papers close hold.

We currently plan to spend about three-quarters of the briefing on SEPs.

Thanks very much.

Wendy J. Miller
Senior Counsel
Law and Policy Section
Environment and Natural Resources Division
Department of Justice
Phone: 202-616-6557
Email: Wendy.Miller@usdoj.gov

Please note that this message and any attachments may be confidential and subject to privilege.

From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Monday, April 8, 2019 11:53 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Heminger, Justin (ENRD) <JHeminger2@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; Miller, Wendy (ENRD) <WMiller@ENRD.USDOJ.GOV>; Wardzinski, Karen (ENRD) <KWardzinsk@ENRD.USDOJ.GOV>
Subject: RE: Briefing on SEPs

Yes. You are invited. Jeff now has a conflict on Friday. Meeting will probably be moved to Thursday or into next week. Stay tuned.

Justin – can you let EPA know when meeting is rescheduled. Thanks

---

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, April 8, 2019 10:19 AM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Briefing on SEPs

Bruce and Tom,

I understand that Susan and I (and OCE, I hope) are invited to the briefing for Jeff on Friday re: SEPs – correct? Could you have someone send Cari Shiffman the details? She is at 202-564-2898. Thanks.

Larry

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/6/2019 7:42:17 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
CC: Porter, Amy [Porter.Amy@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: SEP Ex. 5 AC / Ex. 7(A)

Sounds like a good plan!

Sent from my iPhone

On Sep 6, 2019, at 3:39 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

Rosemarie

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, September 06, 2019 3:02 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: SEP Ex. 5 AC / Ex. 7(A)

Ex. 5 AC/DP

Sent from my iPhone

On Sep 6, 2019, at 2:55 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

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

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

Ex. 5 AC/DP

I'm happy to reach out to anyone you would like (I never did call Karen yesterday, since I knew you'd be talking) and work on language to reflect our clarifications with DOJ, but I'm out today and running around a bit.

Sent from my iPhone

On Sep 6, 2019, at 2:01 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Ex. 5 AC / Ex. 7(A)

Rosemarie

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, September 06, 2019 9:56 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEP Ex. 5 AC / Ex. 7(A)

Ex. 5 AC/DP

To __

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Thursday, September 5, 2019 11:26 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Karen—

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

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Rosemarie

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, September 05, 2019 10:04 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Ex. 7(A)

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

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Thursday, September 5, 2019 7:36 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: Re: Ex. 7(A)

Great. Thanks

Rosemarie

On Sep 5, 2019, at 7:35 AM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

> Hi. Got your message. I think that's right, but will be able to confirm this morning, and will get back to you later today.

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/6/2019 7:21:53 PM
To: Porter, Amy [Porter.Amy@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: Hearing Binder Fact Sheet Check-in

Ex. 5 AC/DP

Sent from my iPhone

On Sep 6, 2019, at 2:40 PM, Porter, Amy <Porter.Amy@epa.gov> wrote:

Ex. 5 AC/DP

Thanks
Amy

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

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 9/4/2019 1:54:23 PM
To: Koslow, Karin [Koslow.Karin@epa.gov]
CC: Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re Ex. 5 Attorney Client (AC)

Good to know. We should talk about the timeframes on this, and how to work with the case teams and DOJ/AUSAs on these.

Sent from my iPhone

On Sep 4, 2019, at 8:28 AM, Koslow, Karin <Koslow.Karin@epa.gov> wrote:

Ex. 5 AC/DP

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-0171

On Sep 3, 2019, at 6:33 PM, Porter, Amy <Porter.Amy@epa.gov> wrote:

Rosemarie –

Did you get any feedback from Susan regarding her meeting with Jeff last week?

Ex. 5 AC/DP

Thanks
Amy

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, September 03, 2019 6:24 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW Ex. 5 Attorney Client (AC)

Susan –

FYI – This is the guidance that EES gave their staff re: SEPs.

Rosemarie

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Tuesday, September 03, 2019 3:11 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>
Subject: Ex. 5 Attorney Client (AC)

Attorney-Client Privileged Communication

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Karen.

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 8/30/2019 5:02:04 PM
To: Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: SEP follow up

I know Caroline is out. What about Rosemarie? **Ex. 5 AC / Ex. 7(A)**

Ex. 5 AC / Ex. 7(A)

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Friday, August 30, 2019 12:59 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEP follow up

I'm free until 2.

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, August 30, 2019 12:36 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: SEP follow up

I'm back. Would 1:00 work for you guys? I don't think it will take long. We are working to incorporate all your comments in one fashion or another.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, August 30, 2019 10:20 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: SEP follow up

Karen –

Would 11 am work for a call with Amy and me?

Rosemarie

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, August 30, 2019 10:03 AM
To: karen.dworkin@usdoj.gov
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: SEP follow up

Hi Karen,
Sorry I missed this yesterday. I'm out and on the move today, but Rosemarie is back — and able to loop back with Susan and Larry if needed. Also, Amy Porter was in the meeting with Susan and Larry, and she is in. John is out. If you have trouble connecting, just shoot me an email and I'll find a way to get back to you.
Have a great weekend!

Sent from my iPhone

On Aug 29, 2019, at 6:09 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Thanks. do you have a minute to chat about these comments?

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, August 29, 2019 4:48 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: SEP follow up

Hi Karen,
These look pretty good, but we discussed with Susan and Larry and have some thoughts for tweaks.

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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, August 29, 2019 2:37 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEP follow up

Hi. I see Rosemarie is out today. Forwarding this for any info you have on the call yesterday, and any initial reactions to the below. Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

From: Dworkin, Karen (ENRD)
Sent: Thursday, August 29, 2019 12:56 PM
To: 'Kelley, Rosemarie' <Kelley.Rosemarie@epa.gov>
Subject: time for a SEP follow up call today?

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC/DP

Message

From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: 4/5/2019 1:34:06 PM
To: Mariani, Tom (ENRD) [Tom.Mariani@usdoj.gov]
CC: Sullivan, Greg [Sullivan.Greg@epa.gov]; Loving, Shanita [Loving.Shanita@epa.gov]
Subject: Re: Upcoming (April 8) EPA-ENRD Monday Call —>

Tom-

Susan, Patrick and Larry are unavailable on Monday so we would like to reschedule.

The only item we have at this time is Ex. 7(A)

Shanita- could you reach out to DOJ to reschedule? Thanks.

Rosemarie

> On Apr 3, 2019, at 12:11 AM, Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov> wrote:
>
> Hello, Everyone:
> Do you have any agenda proposals for the next EPA-ENRD Monday afternoon conference call?
> If so, please let me know. Thanks. TM

Message

From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: 6/27/2019 1:58:05 AM
To: Koslow, Karin [Koslow.Karin@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]
CC: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: Fw: Ex. 7(A) and SEP

FYI

Rosemarie Kelley, Director
Office of Civil Enforcement
OECA

From: Payne, James
Sent: Wednesday, June 26, 2019 9:56 PM
To: Kelley, Rosemarie; Starfield, Lawrence
Cc: Seager, Cheryl; McDonald, Scott; Welton, Patricia
Subject: Ex. 7(A) and SEP

Ex. 5 AC/AWP/DP, 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) Update week of 6/26/2019

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

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

Message

From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: 3/31/2019 6:55:38 PM
To: Mariani, Tom (ENRD) [Tom.Mariani@usdoj.gov]
Subject: Re: 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

It is a general topic - not related to any case.

Rosemarie

On Mar 30, 2019, at 10:01 PM, Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov> wrote:

Same case as last time or something else? TM

On Mar 30, 2019, at 4:28 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Tom-

Ex. 5 AC/DP

Rosemarie

On Mar 27, 2019, at 5:21 PM, Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov> wrote:

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

Message

From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: 9/6/2019 5:35:50 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: re Mitigation

I have received this from Karen as well. She is not comfortable with me forwarding it (or the SEP email) so we're working on what I can share w/OCE and Regions.

Rosemarie

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, September 06, 2019 12:30 PM
To: Chapman, Apple <Chapman.Apple@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: re Mitigation

Thanks. Apple! Hmm, we worked closely with DOJ on the language of the SEP instructions, but not the mitigation ones. Adding RK, AP, KK, and JF to close hold since we had heard about the mitigation guidelines but not seen this message (which was not "forwardable" out of DOJ)

Sent from my iPhone

On Sep 6, 2019, at 12:19 PM, Chapman, Apple <Chapman.Apple@epa.gov> wrote:

> Close hold. I'm not sure if this was supposed to be forwarded out of DOJ but I thought you should see it.
>
> *Apple Chapman*
> Deputy Director, Air Enforcement Division
> Office of Civil Enforcement
> (202) 564-5666 or (202) 841-6076
>
> ---
>
> **From:** Brooks, Phillip <Brooks.Phillip@epa.gov>
> **Sent:** Tuesday, September 3, 2019 3:25 PM
> **To:** Chapman, Apple <Chapman.Apple@epa.gov>
> **Subject:** FW: re Mitigation
>
> ---
>
> **From:** Weinischke, Bill (ENRD) [mailto:Bill.Weinischke@usdoj.gov]
> **Sent:** Tuesday, September 03, 2019 3:21 PM
> **To:** Brooks, Phillip <Brooks.Phillip@epa.gov>
> **Subject:** Fwd: re Mitigation
>
> Sent from my iPhone

Begin forwarded message:

From: "Thode, Anna (ENRD)" <AThode@ENRD.USDOJ.GOV>
Date: September 3, 2019 at 2:39:46 PM EDT
To: "Weinischke, Bill (ENRD)" <BWeinischk@ENRD.USDOJ.GOV>
Subject: re Mitigation
Maybe this is what you were alluding to.

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, August 30, 2019 6:34 PM
To: ENRD-EES Section (includes field) <ENRD-EESSection_includesfield@ENRD.USDOJ.GOV>
Subject: Weekly Update

Hi, Everyone. Important updates re mitigation and SEPs are included in this week's update.

Ex. 5 AC/DP

2.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

3. **Supreme Court filing re availability of private restoration damages remedy for site undergoing CERCLA cleanup.** This brief is interesting reading on the intersection of state restoration damages remedy and CERCLA. https://www.justice.gov/osg/brief/atlantic-richfield-co-v-christian-0. This is John Sither's Clark Fork site negotiation case.

4. **Superfund Comfort/Status Letters; another recent guidance coming out the EPA Superfund Task Force work**. On August 21, EPA issued the attached 2019 Policy on the Issuance of Superfund Comfort/Status Letters. The transmittal package, containing the policy memorandum, model documents, and updated reference documents is available on the Agency's website at https://www.epa.gov/enforcement/comfortstatus-letters-guidance.

Enjoy the holiday weekend. Karen.

Message

From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: 8/30/2019 5:24:53 PM
To: Porter, Amy [Porter.Amy@epa.gov]
CC: karen.dworkin@usdoj.gov; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: Re: SEP follow up

Will 1:30 work for a call?

Rosemarie

On Aug 30, 2019, at 1:13 PM, Porter, Amy <Porter.Amy@epa.gov> wrote:

> Rosemarie should be returning shortly so we need to wait to hear from her.
>
> **From:** Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
> **Sent:** Friday, August 30, 2019 1:02 PM
> **To:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Subject:** RE: SEP follow up
>
> I know Caroline is out. What about Rosemarie? Also wanted to give you guys some information as well on some further Ex. 5 AC / Ex. 7(A)
>
> **From:** Porter, Amy <Porter.Amy@epa.gov>
> **Sent:** Friday, August 30, 2019 12:59 PM
> **To:** Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Subject:** RE: SEP follow up
>
> I'm free until 2.
>
> **From:** Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
> **Sent:** Friday, August 30, 2019 12:36 PM
> **To:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Cc:** Porter, Amy <Porter.Amy@epa.gov>
> **Subject:** RE: SEP follow up
>
> I'm back. Would 1:00 work for you guys? I don't think it will take long. We are working to incorporate all your comments in one fashion or another.
>
> **From:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
> **Sent:** Friday, August 30, 2019 10:20 AM
> **To:** Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
> **Cc:** Porter, Amy <Porter.Amy@epa.gov>
> **Subject:** RE: SEP follow up
>
> Karen –

Would 11 am work for a call with Amy and me?

Rosemarie

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, August 30, 2019 10:03 AM
To: karen.dworkin@usdoj.gov
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: SEP follow up

Hi Karen,
Sorry I missed this yesterday. I'm out and on the move today, but Rosemarie is back — and able to loop back with Susan and Larry if needed. Also, Amy Porter was in the meeting with Susan and Larry, and she is in. John is out. If you have trouble connecting, just shoot me an email and I'll find a way to get back to you.
Have a great weekend!

Sent from my iPhone

On Aug 29, 2019, at 6:09 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

> Thanks. do you have a minute to chat about these comments?
>
> ---
>
> **From:** Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Sent:** Thursday, August 29, 2019 4:48 PM
> **To:** Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
> **Subject:** RE: SEP follow up
>
> Hi Karen,
> Ex. 5 AC / Ex. 7(A) but we discussed with Susan and Larry and have some thoughts for tweaks.

Ex. 5 AC/DP

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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, August 29, 2019 2:37 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEP follow up

Hi. I see Rosemarie is out today. Forwarding this for any info you have on the call yesterday, and any initial reactions to the below. Ex. 5 AC / Ex. 7(A)

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

From: Dworkin, Karen (ENRD)
Sent: Thursday, August 29, 2019 12:56 PM
To: 'Kelley, Rosemarie' <Kelley.Rosemarie@epa.gov>
Subject: time for a SEP follow up call today?

Would like to hear how Susan's call with Regions went, and what if anything Susan plans to raise with Jeff re SEPs in the call/meeting tomorrow. Subject to those unknowns, here's a straw proposal Ex. 5 AC / Ex. 7(A)

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Sheppard, Tracy [Sheppard.Tracy@epa.gov]
Sent: 7/25/2017 9:34:59 PM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

Karin,
Apologies for my earlier message. I found this in my task list – Carol Ann asked me to do SEPs at 8/9's reg review and ORC/OGC call. I've started pulling materials together for the presentation and don't have a problem moving the reg review presentation up to 8/2.

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office
(202) 839-2038 mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Siciliano, CarolAnn
Sent: Friday, June 30, 2017 10:50 PM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

Ok, Tracy. Maybe August 9 instead for the ORC/OGC meeting & Reg Review?

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From: Sheppard, Tracy
Sent: Friday, June 30, 2017 12:06 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

I'll work on preparing something for an upcoming reg review. I won't be available to present at the 7/12 meeting. I'll be in MS for the DWH Gulf Coordination meeting from 7/10 to 7/12.

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From: Koslow, Karin
Sent: Friday, June 30, 2017 12:02 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

Will do!

Karin Koslow
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From: Siciliano, CarolAnn
Sent: Thursday, June 29, 2017 7:36 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Subject: FW: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

This is a very interesting article. **Tracy,** could you prepare a five-minute update for Reg Review (any time in the next few

Ex. 5 AC/DP

No rush. But this is interesting. And perhaps we could share our learnings with the Regional Counsels at the next Monthly Call – Wednesday July 12 at 4 pm, room 4045. You could be our guest speaker. **Karin,** could you keep track of this and add this topic to the 7/12 ORC/OGC agenda if Tracy is ready?

Backing EPA's SEP Policy, DOJ Seeks To Ease Fears Over Settlement Bar

The Justice Department (DOJ) is seeking to ease fears that Attorney General Jeff Sessions' recent memo barring third-parties from receiving monetary payments in legal settlements will undercut EPA's popular supplemental environmental projects (SEPs), saying that projects that comply with EPA policy, which already prohibits third-party payments, will not be affected by Sessions' memo.

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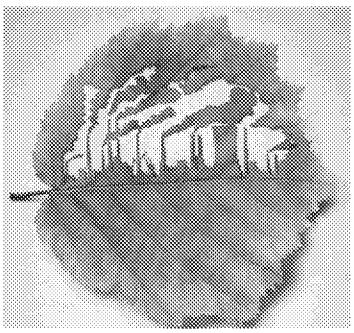
From: OGCLibrary
Sent: Monday, June 26, 2017 11:56 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Frey, Bert <frey.bertram@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Walker, Mike <Walker.Mike@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; OGC CCILO <OGC_CCILO@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; OGC FEAT <OGC_FEAT@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Rongone, Marie <Rongone.Marie@epa.gov>; Hanselman, Erik <Hanselman.Erik@epa.gov>
Subject: Cross-Cutting Issues News for June 26, 2017



Cross-Cutting Issues News for June 26, 2017

Bloomberg BNA **Daily Environment Report™**

Leading the News

Courts

Property Rights Curbed by Top U.S. Court in Development Case

The U.S. Supreme Court dealt a blow to property-rights advocates June 23, ruling that regulators didn't violate the U.S. Constitution when they refused to allow separate houses on adjoining riverfront lots owned by four siblings.

General Policy

Week Ahead: Alaska Senator Has Dual Clout on Environment, Energy

Sen. Lisa Murkowski (R-Alaska), who chairs the Energy and Natural Resources Committee, also has clout on environmental matters—and she'll make her influence felt at a Tuesday hearing that's one of numerous events in those areas during the week of June 26.

News

Endangered Species

German Bill May Ease Construction on Land With Protected Species

The lower house of the German Parliament, the Bundestag, passed a bill late June 22 amending the country's Federal Act for the Protection of Nature, making it easier for construction projects to move forward even if they threaten protected species.

Forests

Norway Slashes Contribution to Anti-Deforestation Amazon Fund

Norway, which has donated more than $1 billion in the past decade to the Amazon Fund to fight

deforestation, will significantly scale back its contribution this year, arguing that Brazil's commitment to environmental protection "might be in retreat."

White House
Tech in One Hand, Overhaul in Other, Trump Tackles Government
President Donald Trump's plans to use new technology to modernize the federal government—claiming $1 trillion in savings and better services—may outstrip his proposal to overhaul agencies to make them more effective.

Hill Watch

Hill Watch: Climate Regulation
The following chart summarizes the status of key environmental policy legislation pending in Congress. The first column provides a synopsis of the purpose, content, and support for the legislation. The second column summarizes the provisions of the legislation. The third column outlines the procedural path ahead and the political prospects for enactment of the bills.

Hill Watch: Coal Mining

Hill Watch: Science Policy

Regulatory Agenda

TODAY'S FEDERAL REGISTER
NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM http://news.bna.com/frmn/.

TODAY'S STATE REGISTERS
NOTICE. State Register summaries are published as part of EHS State Regulatory AlertTM http://news.bna.com/srmn/.

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Latest News

Backing EPA's SEP Policy, DOJ Seeks To Ease Fears Over Settlement Bar
The Justice Department (DOJ) is seeking to ease fears that Attorney General Jeff Sessions' recent memo barring third-parties from receiving monetary payments in legal settlements will undercut EPA's popular supplemental environmental projects (SEPs), saying that projects that comply with EPA policy, which already prohibits third-party payments, will not be affected by Sessions' memo.

Daily Feed
D.C. Circuit sets argument in Trump '2-1' order lawsuit
Judge Randolph Moss schedules Aug. 10 arguments in litigation over President Trump's order that requires EPA to repeal two rules for every new measure issued.

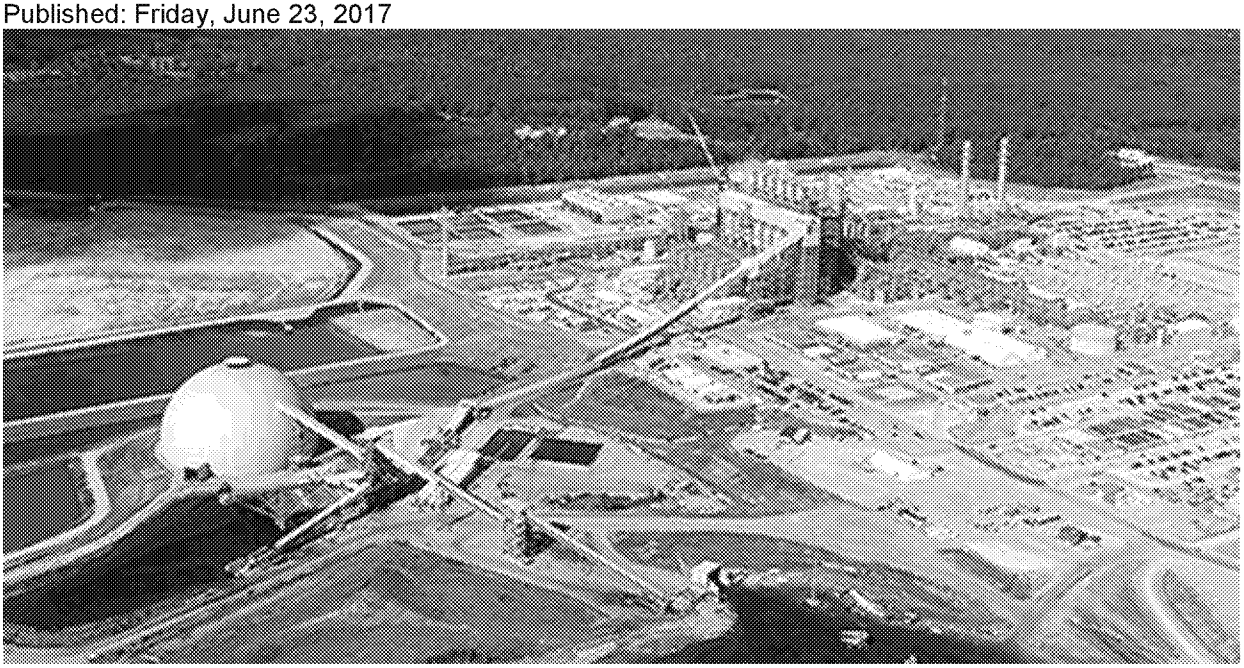
GREENWIRE

CARBON CAPTURE

Post-Kemper question: Is 'clean coal' dead?

Christa Marshall, E&E News reporter

Published: Friday, June 23, 2017



An aerial view of Mississippi Power's Kemper County Energy Facility. Mississippi Power

The possible end of Southern Co.'s flagship "clean coal" project in Mississippi isn't the death knell for carbon capture and sequestration technology, industry analysts say.

Instead, the problems at the Kemper County Energy Facility — which state regulators want to turn into a natural gas plant after years of delays and cost overruns — resulted from a unique series of events and a coal gasification system that was scaled up too fast.

The plant's equipment to capture and store carbon dioxide didn't cause its current challenges and is still an option for coal and other fossil fuels, said Erin Burns, a policy adviser in the clean energy program at Third Way, a centrist Democratic think tank.

"This is absolutely not the death of CCS," she said.

A string of CCS successes this year, including the launch of the world's largest retrofit of a coal plant with carbon capture technology, make it clear the technology works, she said. Other large projects have opened in the Middle East and Illinois this year to trap CO2 from steel and ethanol manufacturing.

Still, both critics and boosters of making coal cleaner in a world worried about climate change have been looking to Kemper as a model for future development. For many, Kemper was at least part of the future of coal.

That's why so many observers were shocked when on Wednesday the Mississippi Public Service Commission asked Southern Co. subsidiary Mississippi Power to find a settlement within 45 days that would abandon the Kemper plant's coal and CCS operations (*Energywire*, June 22).

The PSC said it was seeking a solution that would "eliminate ratepayer risk for unproven technology." Under the framework, Kemper would operate solely on natural gas, a fuel that has already been running the plant for years.

In a statement, Mississippi Power emphasized that no final decisions have been made, and that discussions with the PSC are ongoing.

"The PSC provided several guidelines to consider for the negotiations, including the possibility of the project only operating as a natural gas-fueled combined cycle plant. We look forward to reviewing the order," the company said.

Kemper, with a price tag now around $7.5 billion, has been under construction since 2010. Developers envision gasifying lignite coal into synthetic gas and capturing 65 percent of the resulting CO2 emissions.

Unique case

If fully operational, it would be the second U.S. coal plant to capture the majority of its carbon emissions, after NRG Energy Inc.'s Petra Nova project in Texas, which launched this year.

Most of the recent setbacks for Kemper centered around its two gasifiers, which turn lignite coal from a mine near the plant into synthetic gas.

In January 2016, for instance, Mississippi Power said one of the gasifiers got hotter than anticipated during testing, causing cracks in the lining. The plant has operated approximately 200 days on lignite, said the company.

What's significant is that the gasifiers are separate from the carbon capture or "clean coal" portion of the plant, said John Thompson, director of the fossil transition project at the Clean Air Task Force.

The capture unit involves an antifreeze-like solvent called Selexol to strip CO2 that has been in use in other facilities since the 1960s.

"The capture equipment was actually the most mature part of this plant," Thompson said.

The same cost overruns and delays would have occurred even if Kemper had never tried to use CCS, he said, noting that coal gasification in general has been done successfully elsewhere with different technology.

In Mississippi, Southern was trying out its new transport integrated gasification (TRIG) technology, designed to be a model for gasifying "low-rank" lignite coals, which are common in countries like India.

Southern's experience differed from others in the sense TRIG was not tested extensively at commercial scale before being tried at a power plant. The gasifier was used at a testing center, but at a size about one-hundredth that of Kemper.

"They went from the pilot plant level to, like, 600 megawatts. People at the time thought they were way too ambitious. And it's been proven out," said Massachusetts Institute of Technology carbon capture expert Howard Herzog.

Coal's woes

Kemper also ran into other issues not related to CCS, such as labor challenges and expiring Department of Energy grants. It didn't help that a consistent drop in natural gas prices after the plant's groundbreaking seven years ago made the idea of turning coal into gas less of a viable concept.

Kemper's fate also may have been sealed before it ever broke ground. In an interview last year, Southern CEO Tom Fanning said the one thing he would change about the project was committing to a fixed price for customers with only 10 percent of the plant's engineering work completed.

"If we had taken more time to do more engineering ... we would have circumvented a lot of the problems that we incurred," Fanning said.

Critics of CCS have long said that Kemper was a huge waste of funds that could have been directed to other clean-energy solutions.

In a report last year, Friends of the Earth and Taxpayers for Common Sense said Kemper is "a stark reminder of why carbon capture and sequestration is a waste of our tax dollars and a false solution to the climate crisis."

Whether the plant's woes will hurt support for CCS policy is an open question. Thompson and other CCS supporters say advancing carbon capture and putting new incentives in place for it is critical for climate change because of the world's ongoing reliance on coal.

Supporters on Capitol Hill are pushing for an expansion of existing tax credits to provide more certainty to developers, among other incentives (*E&E Daily*, Dec. 6, 2016).

Problems for Southern

Kemper was a potential model in places like China, which has a lot of facilities that are gasifying coal to make chemicals and venting the CO2 into air, said Thompson.

But Petra Nova, which began operations on budget and on time, is perhaps the more relevant model for CCS because of its status as a retrofit, according to many analysts. That is especially relevant in the U.S., which is not building new coal plants, much less coal gasification plants.

While gasification has worked elsewhere, it has "totally soured" as a concept for the power sector, according to Herzog. You don't need to gasify to do CCS, he said.

"Look at Petra Nova," he said. In addition to not gasifying coal, Petra Nova completed 90 percent of its conceptual design before it began construction.

Regardless of what Kemper may mean for CCS in general, it does mean a lot for Southern, which could be left with a CO2 pipeline, coal mine and gasifier system to nowhere in a natural-gas-only scenario.

Issues that have to be addressed include an existing contract with Denbury Resources Inc. to use Kemper's CO2 in enhanced oil recovery.

The utility signed several memorandums of understanding in recent years to explore the use of its TRIG technology at overseas projects. In December 2015, for instance, Southern penned a letter of intent with a South Korean company to evaluate the deployment of TRIG at a new 1,000-MW power plant.

One thing that might not be an option if the plant becomes gas-only is use of the existing carbon capture infrastructure. Selexol typically is used when the CO2 concentration in flue gas is high, which is much more suited to coal than natural gas, according to Thompson.

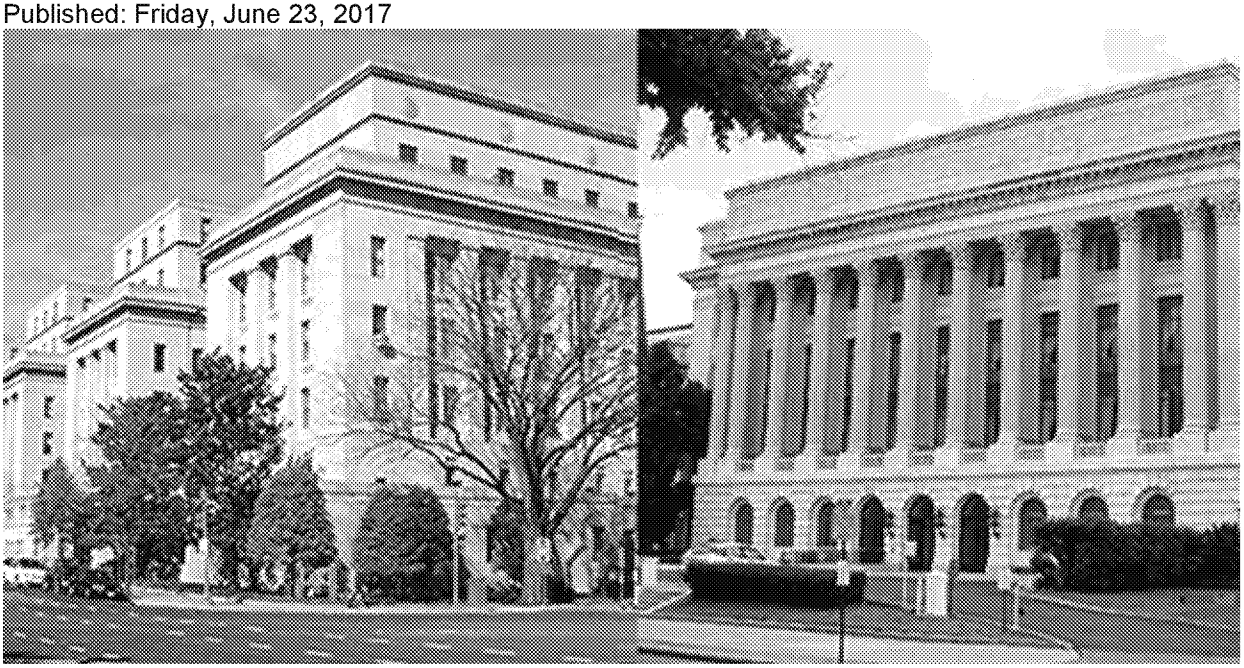
He called for an investigation into all the factors that led to this point. "There really needs to be an analysis of what went wrong," Thompson said.

PUBLIC LANDS

Trump homes in on 4 conservation picks

Corbin Hiar, E&E News reporter

Published: Friday, June 23, 2017



The Trump administration is close to naming picks for four public land management positions at the Interior and Agriculture departments, sources say. Department of Interior; Wally Gobetz/Flickr

The Trump administration may be close to naming four key public land management positions, according to sources in the recreation and ranching communities.

Larry Voyles, who has led Arizona's Game and Fish Department since 2008, is believed to be in the running for Interior's assistant secretary for fish, wildlife and parks. He is set to retire from the state game office on July 26.

Larry Voyles. Arizona Game and Fish Department

That Interior position, which oversees the Fish and Wildlife Service and National Park Service and requires Senate confirmation, is currently held on an acting basis by Aurelia Skipwith. A former manager at the agriculture giant Monsanto Co. who would serve as his deputy, Skipwith was hired by Interior Secretary Ryan Zinke earlier this year (*Greenwire*, April 6).

Voyles is a strong advocate of state wildlife management and clashed with the Obama administration's FWS over its recovery plan for the Mexican gray wolf.

Voyles is "a guy that understands the West and collaboration with state agencies," said one sportsmen's group executive. "He's someone that's highly approachable and someone that you can work with."

But another source expressed skepticism about Voyles' chances to land the high-ranking post. He has little direct experience managing parks and is believed to have been passed over for the FWS director position.

Scott Talbott. Talbott/LinkedIn

That job, several sources said, is likely to go to Scott Talbott. He is the director of Wyoming's Game and Fish Department and has a strong background in law enforcement.

Talbott grew up on a sheep ranch outside of Laramie, Wyo., according to his official biography. One of his first jobs was as a lumberjack. He has worked for the state game office since 1985 and led it since 2011.

"We know Scott to be a fair-minded state agency director," said the source. "He's been in a position to help look at ways to balance energy extraction in a manner that has the least amount of impact on public lands and fish and wildlife habitat."

Earlier this month, Zinke hired Greg Sheehan, the former head of Utah's Division of Wildlife Resources, to serve at FWS in a newly created deputy director position. The move was seen by some sources as an effort to install political leadership at the service while the White House and the Senate vet the secretary's director pick (*E&E News PM*, June 5).

A couple of sources said they expect Talbott and other likely Interior nominations to be announced after the Senate confirms David Bernhardt, Zinke's pick for deputy secretary (*Greenwire*, June 16).

Erica Rhoad. Rhoad/LinkedIn.

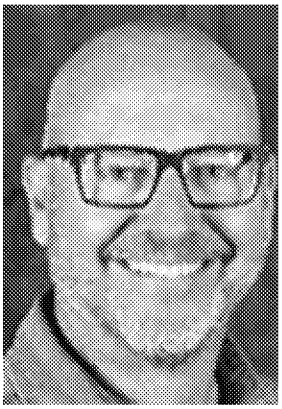
Another long-rumored conservation pick is Erica Rhoad, the staff director of the House Natural Resources Subcommittee on Federal Lands. She is widely believed to be a front-runner for the Agriculture Department's undersecretary for natural resources and the environment, a Senate-confirmed job that would entail overseeing the Forest Service.

Rhoad came to the subcommittee after lobbying for the National Rifle Association and the Society of American Foresters (*Greenwire*, Jan. 27, 2016).

"I don't quite understand what the hangups are" to Rhoad's expected nomination, another sportsmen's group official said. "We know Erica. We can work with Erica. She'd be fine."

The undersecretary post Rhoad is in line for is currently held by Dan Jiron, a career official (*E&E Daily*, June 19).

Sources also mentioned Rick Cables, the vice president of natural resources and conservation for Vail Resorts, as a possible pick for Forest Service chief.



Rick Cables. Cables/LinkedIn

Cables spent 35 years at the Forest Service, rising to the rank of regional forester, a title he held in both the Alaska and Rocky Mountain regions. He left the service six years ago to join the Colorado state government, where he oversaw the merger of the state's parks and wildlife division.

Since 2013, he has worked for Vail, which has a long-term lease with the Forest Service.

"He was campaigning for it early on," the official said of Cable's chief bid. "He came back here right after the election and did the rounds and threw his hat in the ring."

Cables could be hired immediately to replace Tom Tidwell, who served as chief for nearly the entirety of the Obama administration.

But the fact that he hasn't gotten the nod has led some sources to speculate that Agriculture Secretary Sonny Perdue may be content to leave Tidwell in place as he focuses on filling more than a dozen other key posts at the department (*E&E Daily*, June 14).

Alternatively, one ranching group official suggested that Perdue may be waiting to put Rhoad in place before the chief, who would report to her.

Spokesmen for USDA and all of the rumored administration picks didn't respond to requests for comment.

Interior press secretary Heather Swift said, "We do not have any personnel announcements at this time."

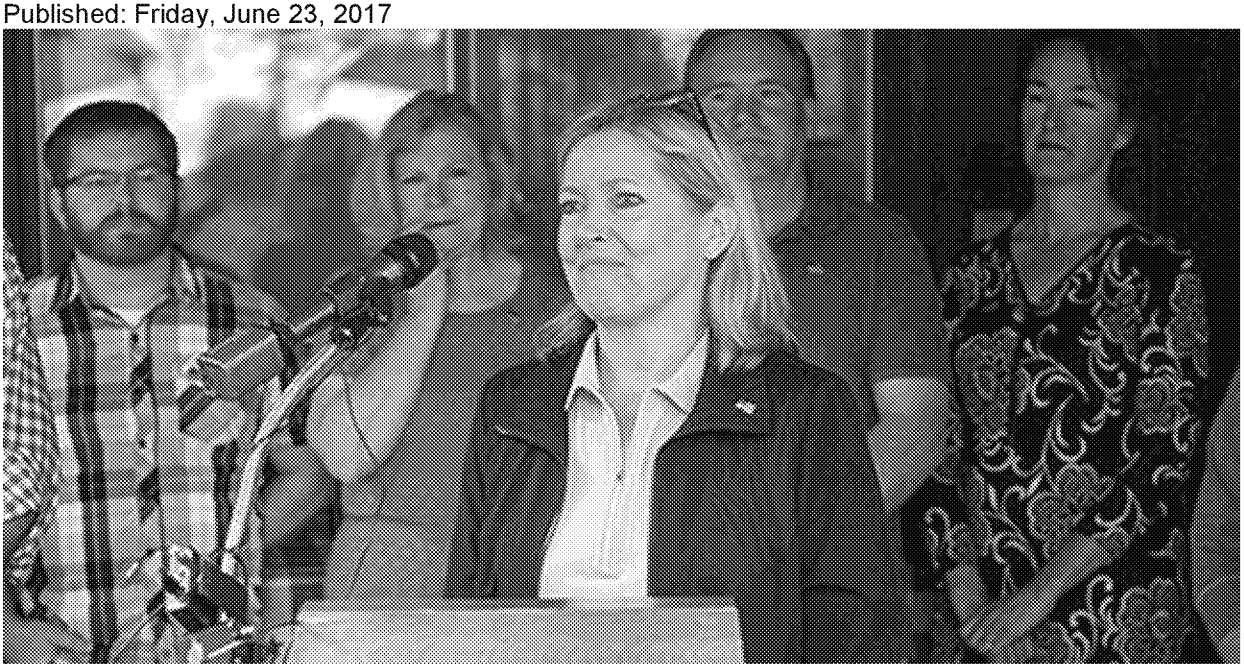
Reporter Marc Heller contributed.

PROPERTY RIGHTS

High court rejects takings claim in waterfront case

Jeremy P. Jacobs and Amanda Reilly, E&E News reporters

Published: Friday, June 23, 2017



Donna Murr and her siblings said the government illegally took their private property along Wisconsin's St. Croix River. The Supreme Court today ruled against them. Pacific Legal Foundation

The Supreme Court today ruled against a Wisconsin family who claimed the state had unfairly taken their property without just compensation when it denied their bid to sell part of their riverfront property.

Though the case hinged on an esoteric legal principle, it has been closely watched by property rights activists and real estate developers because the Supreme Court has not provided much guidance on the "parcel as a whole" concept in its jurisprudence. Nine states led by Nevada, as well as the U.S. Chamber of Commerce and other groups, supported the family in the lawsuit.

Murr v. Wisconsin concerned a set of siblings who wanted to put one of two adjacent lots on the St. Croix River that they had inherited from their parents on the market.

A 1975 change in land-use ordinances, however, said the two lots had become a single parcel due to various factors, including their physical characteristics and common ownership by the Murrs.

The state denied the siblings' request to sell the vacant lot in Troy, Wis., and the Murrs sued, contending that the ordinance amounted to an unconstitutional taking without just compensation because it limited their options for the property. Namely, they could not sell it alone.

Today, the court ruled 5-3 that the Wisconsin land-use ordinance was reasonable, and upheld the state court's ruling against the Murrs. Justice Neil Gorsuch did not participate in the ruling; the case was argued before he was confirmed to the court.

Justice Anthony Kennedy, writing for the majority, said several factors contributed to the conclusion that the ordinance did not constitute a taking.

First, he said courts should give significant weight to a state's ability to set land-use ordinances.

Second, he agreed with Wisconsin that the court should consider the physical characteristics of the property. Though each of the Murrs' lots is over 1 acre — a key factor in the land ordinance — they both feature a steep bluff cutting through the center. Consequently, there is less than 1 acre of suitable space to be developed in both lots combined.

"[T]he physical characteristics of the property support its treatment as a united parcel," Kennedy wrote, adding that it was "reasonable to expect their range of potential uses might be limited."

Perhaps most importantly, Kennedy pointed directly to the appraisal of the lot provided by the Murrs. The appraisal valued the lot they wanted to sell at $40,000 if it were left undeveloped. The value of the two lots together was pegged at $698,300 — so the vacant lot represented less than 10 percent.

"[T]he government action was a reasonable land-use regulation, enacted as part of a coordinated federal, state, and local effort to preserve the river and the surrounding land," Kennedy wrote.

Kennedy was joined in the majority by the court's liberal wing: Justices Elena Kagan, Sonia Sotomayor, Stephen Breyer and Ruth Bader Ginsburg.

The typically more conservative justices dissented.

Chief Justice John Roberts wrote that Kennedy's "bottom-line conclusion does not trouble me." But he quibbled with the factors on which Kennedy relied, including the physical characteristics.

The Murrs were represented by the conservative, California-based Pacific Legal Foundation.

"My brothers and sister and I are certainly disappointed in today's ruling," Donna Murr said in a statement.

John Groen, PLF's general counsel, argued that the decision was "unfortunate" both for the Murrs and "all property owners."

Click here for the opinion.

Q&A

Ex-DOE scientist on starting activist group, opposing Trump

Hannah Hess, E&E News reporter

Published: Friday, June 23, 2017

Jane Zelikova is an ecologist who founded 500 Women Scientists after President Trump's election. 500 Women Scientists

Jane Zelikova helped launch a grass-roots science advocacy group in the wake of President Trump's election last fall that has attracted more than 20,000 women.

It began with a pledge published immediately following the 2016 election by Zelikova and three women she had met in graduate school at the University of Colorado, Boulder. She said they felt compelled to speak up for science and marginalized groups, including immigrants and people with disabilities.

When the letter went live, Zelikova was a Washington-based scientist working on carbon capture and storage in the Energy Department's Office of Fossil Energy.

E&E SERIES

Energy and environmental newsmakers dish on politics, pet peeves and their TV addictions. Click here to read more stories in this series.

The letter drew signatures from around the globe, representing women in disciplines ranging from accelerator physics to zoology. And the group, 500 Women Scientists, took off as the founders promoted the cause. Zelikova co-wrote a February op-ed, for instance, calling on U.S. EPA Administrator Scott Pruitt to reconsider his stance on climate science.

Zelikova then decided to head West and would eventually walk away from her two-year American Association for the Advancement of Science fellowship.

"Meet Jane, a climate scientist who fled Trump's government," was the headline on a profile of Zelikova published by the nonprofit news organization *High Country News*, which detailed the Ukrainian immigrant's decision to quit.

Zelikova talked to E&E News last week on her final day at DOE about the rewards and challenges of working in the federal government, the frenetic pace of her days and what makes it worthwhile.

Tell me about how 500 Women Scientists was launched.

It started as a text message string between four friends who met in Colorado in grad school. We all sort of spread out all over the world after graduating, but we stayed in touch, and we text messaged each other almost every day — updates of what we were up to, pictures of our kids and our dogs. And then as the election neared, those text messages became more political. Because I was in D.C., people were asking me to sort of update them on what was happening.

The night of the election, the text messages took a more concerned tone. For a couple of days, we were just mostly texting about being worried. At some point, we decided that we were going to write an open letter expressing all of the concerns that we had been expressing to each other. We published it in *Scientific American*, hoping that we could get 500 signatures from other women scientists that agreed with us and felt like the message resonated with them. Within just a matter of hours, we had reached our 500-signature goal, and it kept growing. Within another week, we had thousands of signatures. So the letter sort of became the banner under which we organized and created a grass-roots organization for women scientists to come together to speak up for the things that matter to us, like science and empowering women and pushing for diversity and inclusivity in science.

What was your career path in the federal government? And how did you arrive at the decision to quit?

After earning a Ph.D. in ecology, I was hired as a postdoc at the U.S. Geological Survey in Utah, and I started working on a climate change experiment. I then received a two-year Mendenhall Research Fellowship, working on topics related to climate change, carbon and livestock grazing across the U.S. Then I moved to the University of Wyoming for another postdoc to look at different climate change experiments and mostly focus on the impacts to plants and soil. About eight years after I graduated with my Ph.D., I started as an AAAS Science and Technology Policy fellow at DOE on leave from my position as a research scientist.

I hadn't ever really worked on energy before. Carbon capture and storage involves very interdisciplinary science that brings together innovation, technology and geology with subsurface science and basic biology. It was definitely a new

learning topic for me. I also started learning more about how the federal government works in D.C. There were a lot of meetings, and I got to meet a lot of great people. We work a lot with [nongovernmental organizations] and with Hill staffers to sort of explain the technology, answer questions and sort of link the work that we do with the benefits of the technology and the science behind it. It got at all the different parts that are interesting to me: the science, the technology and how it can really help people.

What does life look like post-DOE?

I spend my days thinking about, researching and talking about climate change. I usually need to take a break in the middle of the day and go for a bike ride or a hike or a run, because the topic is pretty difficult to get through a solid eight hours of. So I try to get outside as much as I can — usually every day. Because now I live in Colorado, that's a really easy and accessible thing for me. I spend a lot of my evenings working on 500 Women Scientists, and weekends are sort of split between getting outside and climbing or biking and working on 500 Women Scientists stuff.

It really does feel like running a startup, while having a full-time job. It sucks up a lot of my time that isn't my full-time job time as a researcher scientist. I work very hard to squeeze in time to get outside or see my friends or do the other things that I'm supposed to do as a normal, well-rounded human. The last six months have definitely felt like a startup schedule, which, you know, we did not sign up for and we did not expect, but that is what happened. It is a blessing because it resonates with people and it helps people all over the world. That part is really incredible. I would have never expected that, and it was not what we were trying for, but it's what happened. That's kind of undeniably powerful.

Do you define this as activism or advocacy?

It really feels more like activism. Although I feel like we advocate for things that should be self-explanatory: equality for women, a rightful place for science and innovation in our society, diversity in general. Those things are worth advocating for, and we do. I think, at least initially, a lot of what we were doing felt to me like activism because I was devoting so much of my time. I was rallying around points that were important to me, both as a scientist and as a woman, but also as an immigrant and a person who has close friends who are immigrants and refugees and close friends who are LGBT — people that felt threatened by both the rhetoric during the election and the outcome of the election.

That sounds like a full schedule. Is it ever too much?

A lot of times it feels very overwhelming. Then we will get an email or a message from someone. A lot of times it is from dads who are like, "Thank you so much for doing this; you guys are role models to my daughters." Or we'll get messages from women scientists who thank us for starting something they've been thinking about or that's so needed. That makes it meaningful in the times that it's really challenging. It's just a reminder that it matters to more than just us. It's kind of an incredible thrill and privilege to start something from nothing and to see it take off and to see people sort of relate to and value it.

Do you have advice to a woman who wants to get involved?

Go to 500womenscientists.org and click on the "Pods" button. Pods are sort of our local chapters. Find a pod in your area. I'm sure that there is one, because we have over 150 pods all over the U.S., but if there isn't one, then you can start a pod, and we make that very easy, too. Then you can be sort of the catalyst to bring together other women scientists in your area to have a community and a network and to think about and act for your community.

This interview has been edited and condensed.

SAGE GROUSE

Ad to Zinke: 'Stand with the West, not Washington'

Jennifer Yachnin, E&E News reporter

Published: Friday, June 23, 2017

Environmentalists launched a new ad campaign urging Interior Secretary Ryan Zinke to leave sage grouse conservation plans alone. U.S. Department of Agriculture/Flickr

The Western Values Project today launched a six-figure ad campaign urging Interior Secretary Ryan Zinke to refrain from altering federal sage grouse conservation plans.

The Montana-based government watchdog group's new campaign will also call on Western state governors to "hold Secretary Zinke and Washington bureaucrats accountable" for attempting to roll back any of the conservation efforts finalized in 2015.

Advertisements will air on television and digital markets, as well as in print, in Colorado, Montana, Nevada and Wyoming. The spots are timed to coincide with the Western Governors' Association's annual meeting next week, which will be held in Montana and features Zinke as a keynote speaker.

"Secretary Zinke's Secretarial Order undermines years of bipartisan collaboration to conserve the greater sage-grouse," Western Values Project Executive Director Chris Saeger said in a statement. "It appears Secretary Zinke wants to scrap all the work done by Western communities, coalitions, sportsmen and women, wildlife managers, private landowners, and industry groups."

He added: "If the Governors have an audience with Secretary Zinke next week, they must use it to insist that Interior continue with the sage-grouse plans. We simply cannot afford to turn back the clock on sage-grouse conservation."

Zinke announced earlier this month that the Trump administration would review federal greater sage grouse conservation plans to determine if they are hindering energy production on public lands (*Greenwire*, June 7).

A review panel is set to assess both federal and state-level efforts to protect the birds and possibly recommend significant changes to how they are managed.

The Interior and Agriculture departments finalized their greater sage grouse plans in 2015 — covering grouse habitat across 70 million acres in 10 Western states — including amendments and revisions to 98 Bureau of Land Management and Forest Service land-use plans.

Western state governors involved in the development of conservation efforts requested to meet with Zinke at next week's WGA meeting to discuss the review. The Interior Department has not said whether Zinke will meet with the officials (*E&E News PM*, June 21).

The new campaign includes a 30-second ad that touts bipartisan efforts among Western governors to create the 2015 conservation plans, which avoided a decision by the Fish and Wildlife Service to list the sage grouse under the Endangered Species Act.

"Sage grouse are a success story, proof conservation strategies can be effective," a male narrator states in the spot as images of the mottled-brown bird appear on screen.

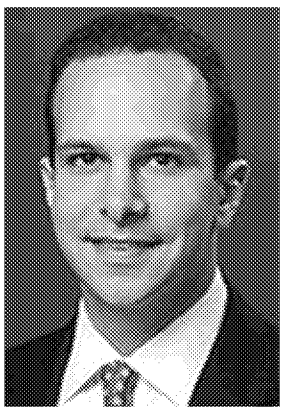
The ad continues: "Epic collaboration among Western governors protecting habitat, property rights and energy development. But now, Washington wants to tell the West what to do, and Secretary Zinke is putting the interests of federal lobbyists ahead of families and public lands. The West is winning, keeping sage grouse off the endangered species list. Tell Secretary Zinke, stand with the West, not Washington."

LOBBYING

Former GOP aides sign on to advocate for conservation group

Kevin Bogardus, E&E News reporter

Published: Friday, June 23, 2017

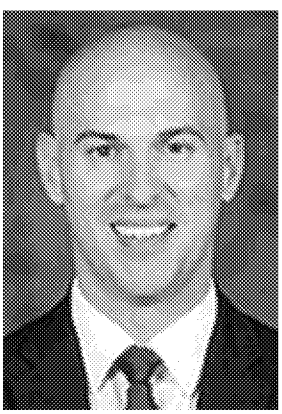


Tony Essalih. Essalih/Linkedin

The Nature Conservancy has hired former House aides to Texas Republicans to lobby on its behalf.

The environmental organization has brought on Cornerstone Government Affairs to lobby on funding for "conservation programs," "consideration of nature-based solutions in water resource projects" and "practical solutions to create a prosperous energy future," according to lobbying disclosure records released by the Senate this week.

Tony Essalih, former chief of staff to Rep. John Culberson (R-Texas); Tyler Nelson, once chief of staff to Rep. Pete Olson (R-Texas); and Justin Jordan, a former Texas political consultant, are Cornerstone's lobbyists working on behalf of the conservation group.



Tyler Nelson. Nelson/Linkedin

The Nature Conservancy has spent $230,000 on lobbying so far this year.

The group also has other lobby firms on its payroll, with staff members including ex-Republican aides, such as American Capitol Group's Tim Stewart — a former top staffer to the late Sen. Bob Bennett (R-Utah) — and BlueWater Strategies' McKie Campbell, former staff director of the Senate Energy and Natural Resources Committee for Sen. Lisa Murkowski (R-Alaska).

The Nature Conservancy is one of the few environmental groups to have met with U.S. EPA Administrator Scott Pruitt during the Trump administration's first weeks in office (*Greenwire*, June 15).

PUBLIC LANDS

BLM advances lease sale near Dinosaur monument

Jennifer Yachnin, E&E News reporter

Published: Friday, June 23, 2017

The Bureau of Land Management moved forward with plans to lease land near Dinosaur National Monument for oil and gas development. Mark Byzewski/Flickr

The Bureau of Land Management yesterday advanced plans to lease land near Dinosaur National Monument in northeast Utah despite National Park Service objections that development could negatively affect the 200,000-acre site.

According to a statement from BLM's Vernal and Price field offices, the agency is considering 64 parcels for inclusion in a December lease sale that includes nearly 67,000 acres.

The sites include parcels bordering Dinosaur and, according to NPS, would be visible from the visitor center and entrance road, as well as from other points within the monument.

"As we work in support of American energy independence, the BLM in Utah will move forward in a way that is consistent with national energy development policies," said BLM Utah spokeswoman Lisa Bryant.

"We will, of course, continue to carefully consider all nominated parcels to determine if they are appropriate for leasing and continue to conduct an environmental review before offering any leases for potential oil and gas development," Bryant said.

Conservationists have opposed the potential lease sale, arguing that energy extraction would affect the monument's dark night skies, as well as soundscapes and air quality.

"It is disappointing that BLM decided to ignore the concerns of the National Park Service at Dinosaur National Monument and include leases directly on the park border in their preferred alternative," said Nicholas Lund, senior manager of conservation programs for the National Parks Conservation Association.

"The environmental quality and visitor experience of visiting Dinosaur National Monument will be harmed if these parcels are developed," Lund said.

BLM will collect public comment on its environmental assessment through July 24. The agency is set to publish a notice of parcels included in the sale in September.

"We are currently in the leasing stage and are seeking public input to determine if these leases will be offered or not, and to determine if the stipulations are sufficient to protect the resources," said BLM Green River District Manager Gary Torres in a statement.

Conservationists had similarly objected to the sale of industry-nominated parcels near Zion National Park in southwest Utah from a scheduled September lease sale.

BLM pulled those parcels earlier this month, and the agency has yet to determine whether it will pull them permanently or eventually return them to auction (*E&E News PM*, June 2).

NATIONAL MONUMENTS

Tribes push back against Bears Ears cuts

Published: Friday, June 23, 2017

Tribal leaders and state politicians yesterday pushed back against Interior Secretary Ryan Zinke's proposed trimming of the newly formed Bears Ears National Monument.

At a discussion hosted by the University of Utah, panelists sought to dispel what they say is "misinformation and a false narrative" pushed by Utah politicians.

"The monument gives us an opportunity to apply our traditional knowledge in the management of the Bears Ears region. We are doing this for our children so they will have an opportunity to teach their kids the stories and their significance for the Navajo Nation," said Oljato chapter President James Adakai. "We hold reverence to the land, and we want that to remain forever."

Zinke has not yet specified which areas would be left out of the monument under his proposal. The Interior secretary earlier this week defended the cuts and his conversations with tribal leaders, saying tribes are split over the issue (*E&E News PM*, June 20).

But tribal leaders yesterday expressed frustration with Republicans in Congress who have challenged the monument's large size as well as tribal and federal jurisdiction under the Antiquities Act.

"This is our homeland, and we will utilize every law at our disposal to protect it. In this case, it's the Antiquities Act," said Arizona state Rep. Eric Descheenie (D) (Brian Maffly, *Salt Lake Tribune*, June 22). **— NS**

OCEANS

Federal panel moves to protect some corals, waits on others

Published: Friday, June 23, 2017

A federal panel yesterday offered new protections to deep-sea corals in the Atlantic Oceans but stopped short of protecting others so it can gather more information first.

The proposals from the New England Fishery Management Council focus on corals in the Gulf of Maine and south of Georges Bank off the coast of Massachusetts.

"The goal is to protect as much coral as you can while minimizing impact on various industries that are fishing near the corals," said John Bullard, a regional administrator for the National Marine Fisheries Service and a member of the fishery council.

The proposals, which have been debated by environmentalists and fishing groups, need to be approved by the federal Department of Commerce.

The committee decided to hold off on voting on plans for protecting coral south of Georges Bank, saying it needs more updated fishery data first (Patrick Whittle, AP/*San Francisco Chronicle*, June 22). **— CS**

INVASIVE SPECIES

Deadly fire ants float en masse after Tropical Storm Cindy

Published: Friday, June 23, 2017

Alabama officials are warning residents to watch out for floating masses of fire ants in the wake of flooding caused by Tropical Storm Cindy.

Fire ants, which spread by accident to Alabama from South America in the 1930s, are known for their aggression and painful bite, and the insects are just as dangerous in wet conditions as they are in dry conditions, Alabama officials said.

As floodwaters rise, the invasive ants cling together with their legs and feet, forming a raft that can stay afloat for up to 12 days, said University of Arkansas professor Kelly Loftin.

"Those ants that are trapped under the water will collect bubbles to break that surface tension and raise up the raft so it can float," Loftin said. "They move around so that no individual remains submerged in the water for long" (Peter Holley, *Washington Post*, June 22). **— NS**

MINING

Electric car sales boost lithium manufacturers

Published: Friday, June 23, 2017

Surging lithium demand as a result of increasing electric car sales is boosting the share prices of companies linked to mining and manufacturing the light metal.

Global X Lithium & Battery Tech, an exchange-traded fund for some of the world's largest companies linked to lithium, has increased more than 60 percent in the last 18 months.

"The acceleration in technology, including electric vehicles, could push new metals a lot higher," said Eily Ong, an analyst at Bloomberg Intelligence.

Electric car sales last year skyrocketed to 2 million, and mainstream carmakers, including Renault-Nissan and Volkswagen, are pushing for new emissions-free models.

That demand is feeding lithium-mining companies, which are scrambling to open new mines to keep up, experts say (Jonathan Tirone, Bloomberg, June 22). **— NS**

WILDFIRES

Searing heat wave complicates firefighting efforts

Published: Friday, June 23, 2017

Extreme heat in the southwest U.S. created tough conditions for firefighters battling a series of wildfires this week, including one in Arizona that has destroyed four homes.

Temperatures rose to nearly 120 degrees in parts of Arizona, California and Nevada.

In California, two firefighters were treated for injuries related to the heat as they battled a blaze in the San Bernardino Mountains. In New Mexico, a brush fire destroyed sheds and vehicles, sending two residents and a firefighter to the hospital. And in Arizona, about 100 firefighters fought a 2-square-mile blaze in Sonoita, thought to be ignited by lightning.

"The heat is a major factor not only for us getting overheated but heat will rise up our embers, which will cause more fires to pick up," said Joseph De Wolf, chief of the Sonoita-Elgin Fire District.

Across Arizona, firefighters are working on around 30 fires, spreading resources thin.

Another fire in Utah, touched off by someone using a torch to burn weeds, forced 700 people to evacuate and shut down part of a state highway (Galvan/Wang, ABC News, June 21). **— SM**

POLITICS

Mayors to address climate change at annual meeting

Published: Friday, June 23, 2017

More than 250 U.S. mayors meet in Miami Beach, Fla., today to kick off the annual national mayoral conference. Climate change is on the top of the agenda.

With many cities pushing back against the Trump administration's environmental and climate policies, the mayors plan to discuss how to reduce carbon emissions and potential collaboration.

Other top issues include protecting immigrant families — another Trump rebuttal — and curbing gun violence.

Top speakers include former New York City Mayor Michael Bloomberg, U.S. Labor Secretary Alex Acosta and U.S. Veterans Affairs Secretary David Shulkin.

The mayors vote Monday on policy resolutions to send to Washington lawmakers (AP/*Fort Worth Star-Telegram*, June 23). **— NB**

CLIMATEWIRE

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Mon., June 26, 2017

READ FULL EDITION

1. PEOPLE:

Meet Jerry Brown, from 'Gov. Moonbeam' to climate beacon

CHENGDU, China — California Gov. Jerry Brown, leader of the world's sixth-largest economy and the longest-serving governor in state history, is making climate change a signature focus of his final term. And he has made it his mission to jolt the world into action with a combination of tough talk and distinctly religious fervor.

TOP STORIES

2. RENEWABLE ENERGY:

Scientists search a gorge for the secrets of wind

3. INTERIOR:

Is Zinke cherry-picking data to boost drilling?

LAW

4. COURTS:

Indian fishermen lose suit against coal lender

STATES

5. OHIO:

Utilities face opposition to funding plan

BUSINESS

6. TRANSPORTATION:

Rare electric school buses slowly gain traction

7. RENEWABLES:

Investment strong despite Trump's support for fossil fuels

INTERNATIONAL

8. CHINA:

High-stakes carbon trading market set to launch

9. PARIS AGREEMENT:

U.S. withdrawal could mean submersion for some islands

COMMUNICATIONS

10. EPA:

Ex-staffer: Climate website removal 'declaration of war'

ENERGYWIRE
AN E&E NEWS PUBLICATION

ENERGYWIRE — Mon., June 26, 2017

READ FULL EDITION

1. GRID:
Wind works its way toward baseload power in the Northwest

As officials debate the meaning of "baseload," two wind operators in the Pacific Northwest are demonstrating how wind power can be as reliable as a coal.

TOP STORIES

2. GENERATION:
'This ain't working': Study authors see trouble in merchant sector

3. NUCLEAR:
Westinghouse parent's finances erode ahead of key U.S. deadlines

FEDERAL AGENCIES

4. EPA:
Journalists chide Pruitt for keeping records secret

ELECTRICITY

5. SOLAR:
Tariffs would slash demand in half — report

OIL AND GAS

6. REGULATION:
Ill. gears up for fight over first fracking well

7. ADVOCACY:
Top energy official urges enviros to stop fracking rhetoric

8. OIL MARKETS:
Gas prices hit new lows as U.S. shale oil glut confounds OPEC

9. PEOPLE:

Sunoco CEO to retire

10. REGULATION:

Wyo. agency will track failed oil and gas operators

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Message

From: Sheppard, Tracy [Sheppard.Tracy@epa.gov]
Sent: 7/3/2017 11:51:46 AM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

That'll work. Thanks.

Tracy L. Sheppard, Attorney-Advisor,
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(202) 839-2038 mobile

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From: Siciliano, CarolAnn
Sent: Friday, June 30, 2017 10:50 PM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

Ok, Tracy. Maybe August 9 instead for the ORC/OGC meeting & Reg Review?

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
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siciliano.carolann@epa.gov

From: Sheppard, Tracy
Sent: Friday, June 30, 2017 12:06 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

I'll work on preparing something for an upcoming reg review. I won't be available to present at the 7/12 meeting. I'll be in MS for the DWH Gulf Coordination meeting from 7/10 to 7/12.

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From: Koslow, Karin
Sent: Friday, June 30, 2017 12:02 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Subject: RE: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

Will do!

Karin Koslow
Deputy Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0171
WJC North Room 7358

From: Siciliano, CarolAnn
Sent: Thursday, June 29, 2017 7:36 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Subject: FW: Cross-Cutting Issues News for June 26, 2017 -- SEPs and new Attorney General policy

This is a very interesting article. **Tracy,** could you prepare a five-minute update for Reg Review (any time in the next few

Ex. 5 AC/DP

No rush. But this is interesting. And perhaps we could share our learnings with the Regional Counsels at the next Monthly Call – Wednesday July 12 at 4 pm, room 4045. You could be our guest speaker. **Karin,** could you keep track of this and add this topic to the 7/12 ORC/OGC agenda if Tracy is ready?

Backing EPA's SEP Policy, DOJ Seeks To Ease Fears Over Settlement Bar

The Justice Department (DOJ) is seeking to ease fears that Attorney General Jeff Sessions' recent memo barring third-parties from receiving monetary payments in legal settlements will undercut EPA's popular supplemental environmental projects (SEPs), saying that projects that comply with EPA policy, which already prohibits third-party payments, will not be affected by Sessions' memo.

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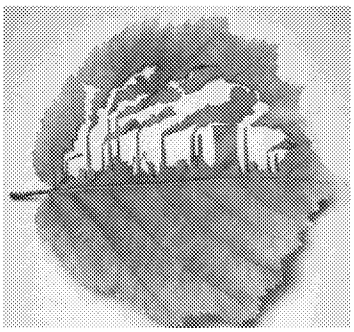
From: OGCLibrary
Sent: Monday, June 26, 2017 11:56 AM

To: Allnutt, David <Allnutt.David@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Frey, Bert <frey.bertram@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Walker, Mike <Walker.Mike@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; OGC CCILO <OGC_CCILO@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; OGC FEAT <OGC_FEAT@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Rongone, Marie <Rongone.Marie@epa.gov>; Hanselman, Erik <Hanselman.Erik@epa.gov>
Subject: Cross-Cutting Issues News for June 26, 2017



Cross-Cutting Issues News for June 26, 2017

Bloomberg BNA Daily Environment Report™

Leading the News

Courts

Property Rights Curbed by Top U.S. Court in Development Case

The U.S. Supreme Court dealt a blow to property-rights advocates June 23, ruling that regulators didn't violate the U.S. Constitution when they refused to allow separate houses on adjoining riverfront lots owned by four siblings.

General Policy

Week Ahead: Alaska Senator Has Dual Clout on Environment, Energy

Sen. Lisa Murkowski (R-Alaska), who chairs the Energy and Natural Resources Committee, also has clout on environmental matters—and she'll make her influence felt at a Tuesday hearing that's one of numerous events in those areas during the week of June 26.

News

Endangered Species

German Bill May Ease Construction on Land With Protected Species

The lower house of the German Parliament, the Bundestag, passed a bill late June 22 amending the country's Federal Act for the Protection of Nature, making it easier for construction projects to move forward even if they threaten protected species.

Forests

Norway Slashes Contribution to Anti-Deforestation Amazon Fund

Norway, which has donated more than $1 billion in the past decade to the Amazon Fund to fight deforestation, will significantly scale back its contribution this year, arguing that Brazil's commitment to environmental protection "might be in retreat."

White House

Tech in One Hand, Overhaul in Other, Trump Tackles Government

President Donald Trump's plans to use new technology to modernize the federal government—claiming $1 trillion in savings and better services—may outstrip his proposal to overhaul agencies to make them more effective.

Hill Watch

Hill Watch: Climate Regulation

The following chart summarizes the status of key environmental policy legislation pending in Congress. The first column provides a synopsis of the purpose, content, and support for the legislation. The second column summarizes the provisions of the legislation. The third column outlines the procedural path ahead and the political prospects for enactment of the bills.

Hill Watch: Coal Mining

Hill Watch: Science Policy

Regulatory Agenda

TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM http://news.bna.com/frmn/.

TODAY'S STATE REGISTERS

NOTICE. State Register summaries are published as part of EHS State Regulatory AlertTM http://news.bna.com/srmn/.

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Latest News

Backing EPA's SEP Policy, DOJ Seeks To Ease Fears Over Settlement Bar

The Justice Department (DOJ) is seeking to ease fears that Attorney General Jeff Sessions' recent memo barring third-parties from receiving monetary payments in legal settlements will undercut EPA's popular supplemental environmental projects (SEPs), saying that projects that comply with EPA policy, which already prohibits third-party payments, will not be affected by Sessions' memo.

Daily Feed

D.C. Circuit sets argument in Trump '2-1' order lawsuit

Judge Randolph Moss schedules Aug. 10 arguments in litigation over President Trump's order that requires EPA to repeal two rules for every new measure issued.

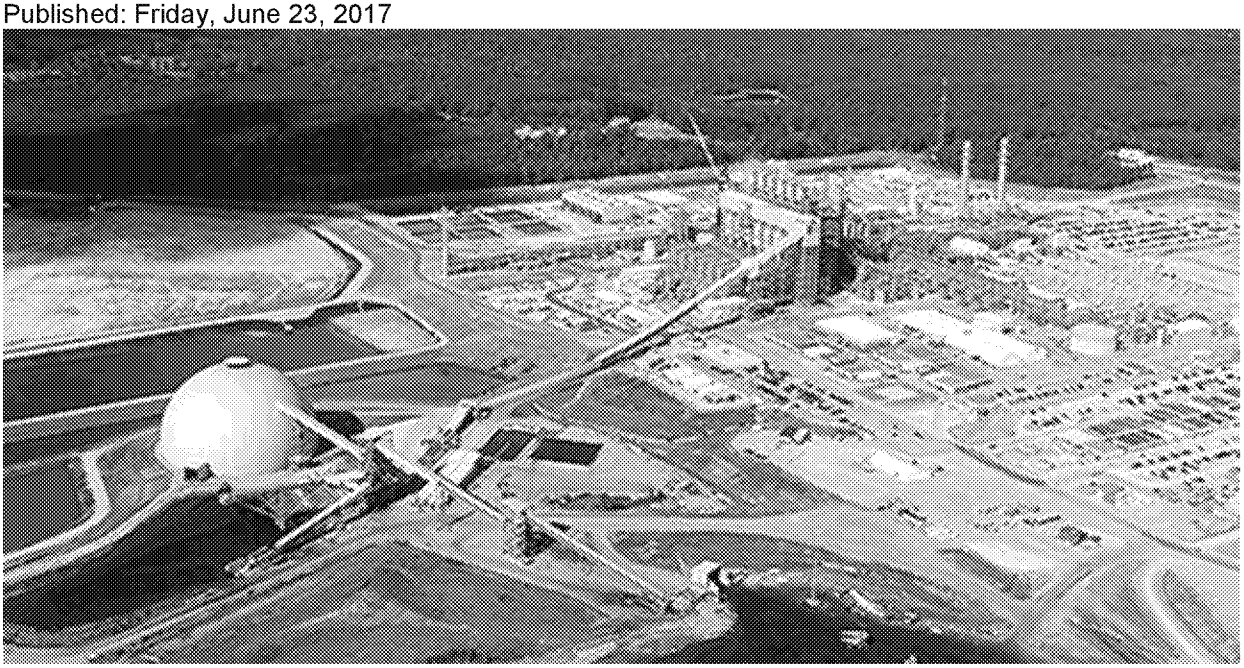
GREENWIRE

CARBON CAPTURE

Post-Kemper question: Is 'clean coal' dead?

Christa Marshall, E&E News reporter

Published: Friday, June 23, 2017



An aerial view of Mississippi Power's Kemper County Energy Facility. Mississippi Power

The possible end of Southern Co.'s flagship "clean coal" project in Mississippi isn't the death knell for carbon capture and sequestration technology, industry analysts say.

Instead, the problems at the Kemper County Energy Facility — which state regulators want to turn into a natural gas plant after years of delays and cost overruns — resulted from a unique series of events and a coal gasification system that was scaled up too fast.

The plant's equipment to capture and store carbon dioxide didn't cause its current challenges and is still an option for coal and other fossil fuels, said Erin Burns, a policy adviser in the clean energy program at Third Way, a centrist Democratic think tank.

"This is absolutely not the death of CCS," she said.

A string of CCS successes this year, including the launch of the world's largest retrofit of a coal plant with carbon capture technology, make it clear the technology works, she said. Other large projects have opened in the Middle East and Illinois this year to trap CO2 from steel and ethanol manufacturing.

Still, both critics and boosters of making coal cleaner in a world worried about climate change have been looking to Kemper as a model for future development. For many, Kemper was at least part of the future of coal.

That's why so many observers were shocked when on Wednesday the Mississippi Public Service Commission asked Southern Co. subsidiary Mississippi Power to find a settlement within 45 days that would abandon the Kemper plant's coal and CCS operations (*Energywire*, June 22).

The PSC said it was seeking a solution that would "eliminate ratepayer risk for unproven technology." Under the framework, Kemper would operate solely on natural gas, a fuel that has already been running the plant for years.

In a statement, Mississippi Power emphasized that no final decisions have been made, and that discussions with the PSC are ongoing.

"The PSC provided several guidelines to consider for the negotiations, including the possibility of the project only operating as a natural gas-fueled combined cycle plant. We look forward to reviewing the order," the company said.

Kemper, with a price tag now around $7.5 billion, has been under construction since 2010. Developers envision gasifying lignite coal into synthetic gas and capturing 65 percent of the resulting CO2 emissions.

Unique case

If fully operational, it would be the second U.S. coal plant to capture the majority of its carbon emissions, after NRG Energy Inc.'s Petra Nova project in Texas, which launched this year.

Most of the recent setbacks for Kemper centered around its two gasifiers, which turn lignite coal from a mine near the plant into synthetic gas.

In January 2016, for instance, Mississippi Power said one of the gasifiers got hotter than anticipated during testing, causing cracks in the lining. The plant has operated approximately 200 days on lignite, said the company.

What's significant is that the gasifiers are separate from the carbon capture or "clean coal" portion of the plant, said John Thompson, director of the fossil transition project at the Clean Air Task Force.

The capture unit involves an antifreeze-like solvent called Selexol to strip CO2 that has been in use in other facilities since the 1960s.

"The capture equipment was actually the most mature part of this plant," Thompson said.

The same cost overruns and delays would have occurred even if Kemper had never tried to use CCS, he said, noting that coal gasification in general has been done successfully elsewhere with different technology.

In Mississippi, Southern was trying out its new transport integrated gasification (TRIG) technology, designed to be a model for gasifying "low-rank" lignite coals, which are common in countries like India.

Southern's experience differed from others in the sense TRIG was not tested extensively at commercial scale before being tried at a power plant. The gasifier was used at a testing center, but at a size about one-hundredth that of Kemper.

"They went from the pilot plant level to, like, 600 megawatts. People at the time thought they were way too ambitious. And it's been proven out," said Massachusetts Institute of Technology carbon capture expert Howard Herzog.

Coal's woes

Kemper also ran into other issues not related to CCS, such as labor challenges and expiring Department of Energy grants. It didn't help that a consistent drop in natural gas prices after the plant's groundbreaking seven years ago made the idea of turning coal into gas less of a viable concept.

Kemper's fate also may have been sealed before it ever broke ground. In an interview last year, Southern CEO Tom Fanning said the one thing he would change about the project was committing to a fixed price for customers with only 10 percent of the plant's engineering work completed.

"If we had taken more time to do more engineering ... we would have circumvented a lot of the problems that we incurred," Fanning said.

Critics of CCS have long said that Kemper was a huge waste of funds that could have been directed to other clean-energy solutions.

In a report last year, Friends of the Earth and Taxpayers for Common Sense said Kemper is "a stark reminder of why carbon capture and sequestration is a waste of our tax dollars and a false solution to the climate crisis."

Whether the plant's woes will hurt support for CCS policy is an open question. Thompson and other CCS supporters say advancing carbon capture and putting new incentives in place for it is critical for climate change because of the world's ongoing reliance on coal.

Supporters on Capitol Hill are pushing for an expansion of existing tax credits to provide more certainty to developers, among other incentives (*E&E Daily*, Dec. 6, 2016).

Problems for Southern

Kemper was a potential model in places like China, which has a lot of facilities that are gasifying coal to make chemicals and venting the CO2 into air, said Thompson.

But Petra Nova, which began operations on budget and on time, is perhaps the more relevant model for CCS because of its status as a retrofit, according to many analysts. That is especially relevant in the U.S., which is not building new coal plants, much less coal gasification plants.

While gasification has worked elsewhere, it has "totally soured" as a concept for the power sector, according to Herzog. You don't need to gasify to do CCS, he said.

"Look at Petra Nova," he said. In addition to not gasifying coal, Petra Nova completed 90 percent of its conceptual design before it began construction.

Regardless of what Kemper may mean for CCS in general, it does mean a lot for Southern, which could be left with a CO2 pipeline, coal mine and gasifier system to nowhere in a natural-gas-only scenario.

Issues that have to be addressed include an existing contract with Denbury Resources Inc. to use Kemper's CO2 in enhanced oil recovery.

The utility signed several memorandums of understanding in recent years to explore the use of its TRIG technology at overseas projects. In December 2015, for instance, Southern penned a letter of intent with a South Korean company to evaluate the deployment of TRIG at a new 1,000-MW power plant.

One thing that might not be an option if the plant becomes gas-only is use of the existing carbon capture infrastructure. Selexol typically is used when the CO2 concentration in flue gas is high, which is much more suited to coal than natural gas, according to Thompson.

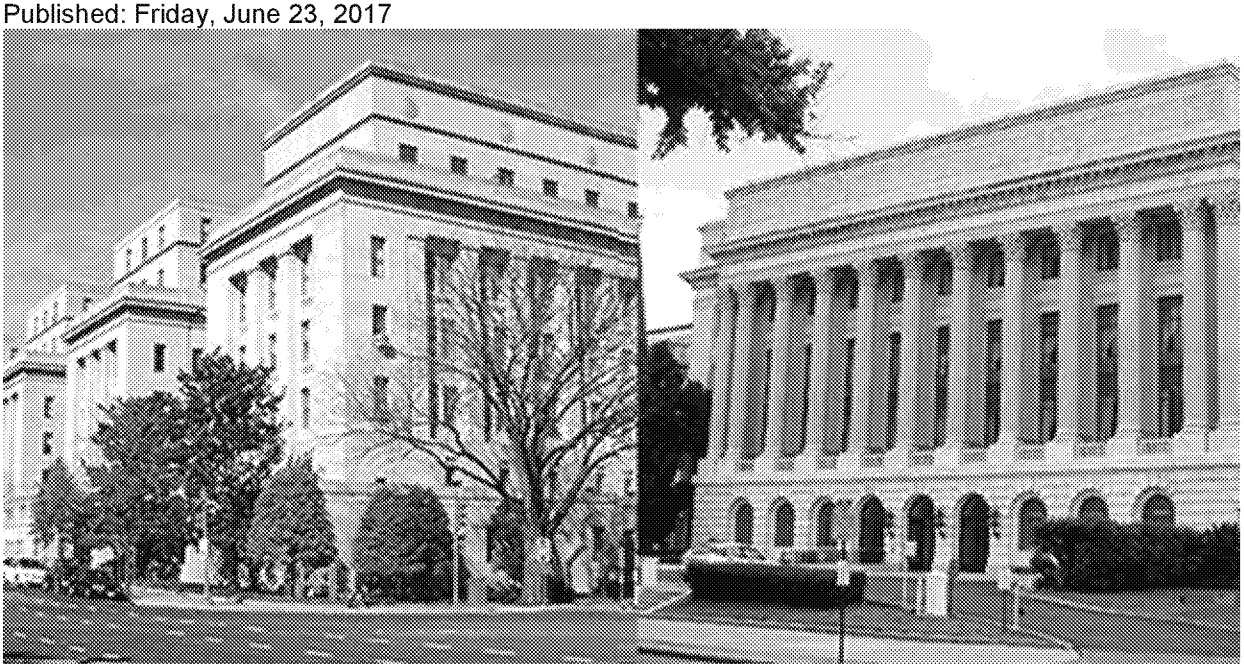
He called for an investigation into all the factors that led to this point. "There really needs to be an analysis of what went wrong," Thompson said.

PUBLIC LANDS

Trump homes in on 4 conservation picks

Corbin Hiar, E&E News reporter

Published: Friday, June 23, 2017



The Trump administration is close to naming picks for four public land management positions at the Interior and Agriculture departments, sources say. Department of Interior; Wally Gobetz/Flickr

The Trump administration may be close to naming four key public land management positions, according to sources in the recreation and ranching communities.

Larry Voyles, who has led Arizona's Game and Fish Department since 2008, is believed to be in the running for Interior's assistant secretary for fish, wildlife and parks. He is set to retire from the state game office on July 26.

Larry Voyles. Arizona Game and Fish Department

That Interior position, which oversees the Fish and Wildlife Service and National Park Service and requires Senate confirmation, is currently held on an acting basis by Aurelia Skipwith. A former manager at the agriculture giant Monsanto Co. who would serve as his deputy, Skipwith was hired by Interior Secretary Ryan Zinke earlier this year (*Greenwire*, April 6).

Voyles is a strong advocate of state wildlife management and clashed with the Obama administration's FWS over its recovery plan for the Mexican gray wolf.

Voyles is "a guy that understands the West and collaboration with state agencies," said one sportsmen's group executive. "He's someone that's highly approachable and someone that you can work with."

But another source expressed skepticism about Voyles' chances to land the high-ranking post. He has little direct experience managing parks and is believed to have been passed over for the FWS director position.

Scott Talbott. Talbott/LinkedIn

That job, several sources said, is likely to go to Scott Talbott. He is the director of Wyoming's Game and Fish Department and has a strong background in law enforcement.

Talbott grew up on a sheep ranch outside of Laramie, Wyo., according to his official biography. One of his first jobs was as a lumberjack. He has worked for the state game office since 1985 and led it since 2011.

"We know Scott to be a fair-minded state agency director," said the source. "He's been in a position to help look at ways to balance energy extraction in a manner that has the least amount of impact on public lands and fish and wildlife habitat."

Earlier this month, Zinke hired Greg Sheehan, the former head of Utah's Division of Wildlife Resources, to serve at FWS in a newly created deputy director position. The move was seen by some sources as an effort to install political leadership at the service while the White House and the Senate vet the secretary's director pick (*E&E News PM*, June 5).

A couple of sources said they expect Talbott and other likely Interior nominations to be announced after the Senate confirms David Bernhardt, Zinke's pick for deputy secretary (*Greenwire*, June 16).

Erica Rhoad. Rhoad/LinkedIn.

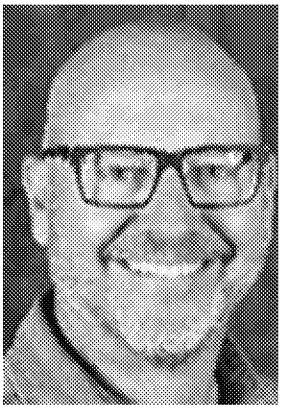
Another long-rumored conservation pick is Erica Rhoad, the staff director of the House Natural Resources Subcommittee on Federal Lands. She is widely believed to be a front-runner for the Agriculture Department's undersecretary for natural resources and the environment, a Senate-confirmed job that would entail overseeing the Forest Service.

Rhoad came to the subcommittee after lobbying for the National Rifle Association and the Society of American Foresters (*Greenwire*, Jan. 27, 2016).

"I don't quite understand what the hangups are" to Rhoad's expected nomination, another sportsmen's group official said. "We know Erica. We can work with Erica. She'd be fine."

The undersecretary post Rhoad is in line for is currently held by Dan Jiron, a career official (*E&E Daily*, June 19).

Sources also mentioned Rick Cables, the vice president of natural resources and conservation for Vail Resorts, as a possible pick for Forest Service chief.



Rick Cables. Cables/LinkedIn

Cables spent 35 years at the Forest Service, rising to the rank of regional forester, a title he held in both the Alaska and Rocky Mountain regions. He left the service six years ago to join the Colorado state government, where he oversaw the merger of the state's parks and wildlife division.

Since 2013, he has worked for Vail, which has a long-term lease with the Forest Service.

"He was campaigning for it early on," the official said of Cable's chief bid. "He came back here right after the election and did the rounds and threw his hat in the ring."

Cables could be hired immediately to replace Tom Tidwell, who served as chief for nearly the entirety of the Obama administration.

But the fact that he hasn't gotten the nod has led some sources to speculate that Agriculture Secretary Sonny Perdue may be content to leave Tidwell in place as he focuses on filling more than a dozen other key posts at the department (*E&E Daily*, June 14).

Alternatively, one ranching group official suggested that Perdue may be waiting to put Rhoad in place before the chief, who would report to her.

Spokesmen for USDA and all of the rumored administration picks didn't respond to requests for comment.

Interior press secretary Heather Swift said, "We do not have any personnel announcements at this time."

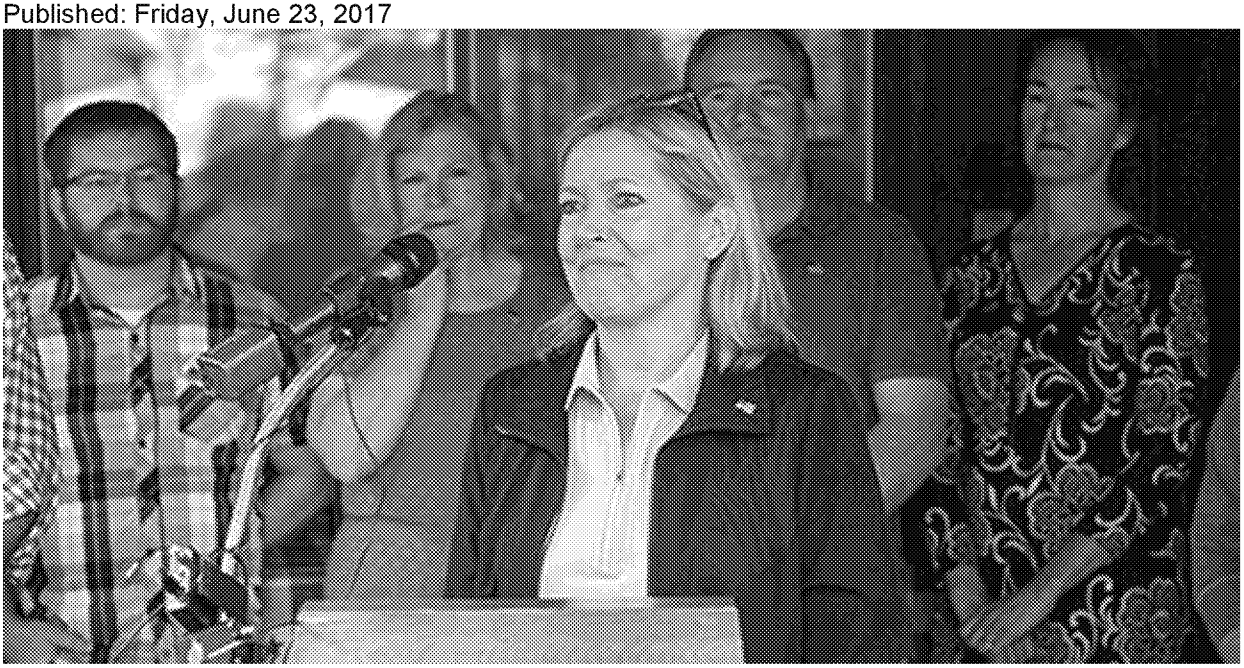
Reporter Marc Heller contributed.

PROPERTY RIGHTS

High court rejects takings claim in waterfront case

Jeremy P. Jacobs and Amanda Reilly, E&E News reporters

Published: Friday, June 23, 2017



Donna Murr and her siblings said the government illegally took their private property along Wisconsin's St. Croix River. The Supreme Court today ruled against them. Pacific Legal Foundation

The Supreme Court today ruled against a Wisconsin family who claimed the state had unfairly taken their property without just compensation when it denied their bid to sell part of their riverfront property.

Though the case hinged on an esoteric legal principle, it has been closely watched by property rights activists and real estate developers because the Supreme Court has not provided much guidance on the "parcel as a whole" concept in its jurisprudence. Nine states led by Nevada, as well as the U.S. Chamber of Commerce and other groups, supported the family in the lawsuit.

Murr v. Wisconsin concerned a set of siblings who wanted to put one of two adjacent lots on the St. Croix River that they had inherited from their parents on the market.

A 1975 change in land-use ordinances, however, said the two lots had become a single parcel due to various factors, including their physical characteristics and common ownership by the Murrs.

The state denied the siblings' request to sell the vacant lot in Troy, Wis., and the Murrs sued, contending that the ordinance amounted to an unconstitutional taking without just compensation because it limited their options for the property. Namely, they could not sell it alone.

Today, the court ruled 5-3 that the Wisconsin land-use ordinance was reasonable, and upheld the state court's ruling against the Murrs. Justice Neil Gorsuch did not participate in the ruling; the case was argued before he was confirmed to the court.

Justice Anthony Kennedy, writing for the majority, said several factors contributed to the conclusion that the ordinance did not constitute a taking.

First, he said courts should give significant weight to a state's ability to set land-use ordinances.

Second, he agreed with Wisconsin that the court should consider the physical characteristics of the property. Though each of the Murrs' lots is over 1 acre — a key factor in the land ordinance — they both feature a steep bluff cutting through the center. Consequently, there is less than 1 acre of suitable space to be developed in both lots combined.

"[T]he physical characteristics of the property support its treatment as a united parcel," Kennedy wrote, adding that it was "reasonable to expect their range of potential uses might be limited."

Perhaps most importantly, Kennedy pointed directly to the appraisal of the lot provided by the Murrs. The appraisal valued the lot they wanted to sell at $40,000 if it were left undeveloped. The value of the two lots together was pegged at $698,300 — so the vacant lot represented less than 10 percent.

"[T]he government action was a reasonable land-use regulation, enacted as part of a coordinated federal, state, and local effort to preserve the river and the surrounding land," Kennedy wrote.

Kennedy was joined in the majority by the court's liberal wing: Justices Elena Kagan, Sonia Sotomayor, Stephen Breyer and Ruth Bader Ginsburg.

The typically more conservative justices dissented.

Chief Justice John Roberts wrote that Kennedy's "bottom-line conclusion does not trouble me." But he quibbled with the factors on which Kennedy relied, including the physical characteristics.

The Murrs were represented by the conservative, California-based Pacific Legal Foundation.

"My brothers and sister and I are certainly disappointed in today's ruling," Donna Murr said in a statement.

John Groen, PLF's general counsel, argued that the decision was "unfortunate" both for the Murrs and "all property owners."

Click here for the opinion.

Q&A

Ex-DOE scientist on starting activist group, opposing Trump

Hannah Hess, E&E News reporter

Published: Friday, June 23, 2017

Jane Zelikova is an ecologist who founded 500 Women Scientists after President Trump's election. 500 Women Scientists

Jane Zelikova helped launch a grass-roots science advocacy group in the wake of President Trump's election last fall that has attracted more than 20,000 women.

It began with a pledge published immediately following the 2016 election by Zelikova and three women she had met in graduate school at the University of Colorado, Boulder. She said they felt compelled to speak up for science and marginalized groups, including immigrants and people with disabilities.

When the letter went live, Zelikova was a Washington-based scientist working on carbon capture and storage in the Energy Department's Office of Fossil Energy.

E&E SERIES

Energy and environmental newsmakers dish on politics, pet peeves and their TV addictions. Click here to read more stories in this series.

The letter drew signatures from around the globe, representing women in disciplines ranging from accelerator physics to zoology. And the group, 500 Women Scientists, took off as the founders promoted the cause. Zelikova co-wrote a February op-ed, for instance, calling on U.S. EPA Administrator Scott Pruitt to reconsider his stance on climate science.

Zelikova then decided to head West and would eventually walk away from her two-year American Association for the Advancement of Science fellowship.

"Meet Jane, a climate scientist who fled Trump's government," was the headline on a profile of Zelikova published by the nonprofit news organization *High Country News*, which detailed the Ukrainian immigrant's decision to quit.

Zelikova talked to E&E News last week on her final day at DOE about the rewards and challenges of working in the federal government, the frenetic pace of her days and what makes it worthwhile.

Tell me about how 500 Women Scientists was launched.

It started as a text message string between four friends who met in Colorado in grad school. We all sort of spread out all over the world after graduating, but we stayed in touch, and we text messaged each other almost every day — updates of what we were up to, pictures of our kids and our dogs. And then as the election neared, those text messages became more political. Because I was in D.C., people were asking me to sort of update them on what was happening.

The night of the election, the text messages took a more concerned tone. For a couple of days, we were just mostly texting about being worried. At some point, we decided that we were going to write an open letter expressing all of the concerns that we had been expressing to each other. We published it in *Scientific American*, hoping that we could get 500 signatures from other women scientists that agreed with us and felt like the message resonated with them. Within just a matter of hours, we had reached our 500-signature goal, and it kept growing. Within another week, we had thousands of signatures. So the letter sort of became the banner under which we organized and created a grass-roots organization for women scientists to come together to speak up for the things that matter to us, like science and empowering women and pushing for diversity and inclusivity in science.

What was your career path in the federal government? And how did you arrive at the decision to quit?

After earning a Ph.D. in ecology, I was hired as a postdoc at the U.S. Geological Survey in Utah, and I started working on a climate change experiment. I then received a two-year Mendenhall Research Fellowship, working on topics related to climate change, carbon and livestock grazing across the U.S. Then I moved to the University of Wyoming for another postdoc to look at different climate change experiments and mostly focus on the impacts to plants and soil. About eight years after I graduated with my Ph.D., I started as an AAAS Science and Technology Policy fellow at DOE on leave from my position as a research scientist.

I hadn't ever really worked on energy before. Carbon capture and storage involves very interdisciplinary science that brings together innovation, technology and geology with subsurface science and basic biology. It was definitely a new

learning topic for me. I also started learning more about how the federal government works in D.C. There were a lot of meetings, and I got to meet a lot of great people. We work a lot with [nongovernmental organizations] and with Hill staffers to sort of explain the technology, answer questions and sort of link the work that we do with the benefits of the technology and the science behind it. It got at all the different parts that are interesting to me: the science, the technology and how it can really help people.

What does life look like post-DOE?

I spend my days thinking about, researching and talking about climate change. I usually need to take a break in the middle of the day and go for a bike ride or a hike or a run, because the topic is pretty difficult to get through a solid eight hours of. So I try to get outside as much as I can — usually every day. Because now I live in Colorado, that's a really easy and accessible thing for me. I spend a lot of my evenings working on 500 Women Scientists, and weekends are sort of split between getting outside and climbing or biking and working on 500 Women Scientists stuff.

It really does feel like running a startup, while having a full-time job. It sucks up a lot of my time that isn't my full-time job time as a researcher scientist. I work very hard to squeeze in time to get outside or see my friends or do the other things that I'm supposed to do as a normal, well-rounded human. The last six months have definitely felt like a startup schedule, which, you know, we did not sign up for and we did not expect, but that is what happened. It is a blessing because it resonates with people and it helps people all over the world. That part is really incredible. I would have never expected that, and it was not what we were trying for, but it's what happened. That's kind of undeniably powerful.

Do you define this as activism or advocacy?

It really feels more like activism. Although I feel like we advocate for things that should be self-explanatory: equality for women, a rightful place for science and innovation in our society, diversity in general. Those things are worth advocating for, and we do. I think, at least initially, a lot of what we were doing felt to me like activism because I was devoting so much of my time. I was rallying around points that were important to me, both as a scientist and as a woman, but also as an immigrant and a person who has close friends who are immigrants and refugees and close friends who are LGBT — people that felt threatened by both the rhetoric during the election and the outcome of the election.

That sounds like a full schedule. Is it ever too much?

A lot of times it feels very overwhelming. Then we will get an email or a message from someone. A lot of times it is from dads who are like, "Thank you so much for doing this; you guys are role models to my daughters." Or we'll get messages from women scientists who thank us for starting something they've been thinking about or that's so needed. That makes it meaningful in the times that it's really challenging. It's just a reminder that it matters to more than just us. It's kind of an incredible thrill and privilege to start something from nothing and to see it take off and to see people sort of relate to and value it.

Do you have advice to a woman who wants to get involved?

Go to 500womenscientists.org and click on the "Pods" button. Pods are sort of our local chapters. Find a pod in your area. I'm sure that there is one, because we have over 150 pods all over the U.S., but if there isn't one, then you can start a pod, and we make that very easy, too. Then you can be sort of the catalyst to bring together other women scientists in your area to have a community and a network and to think about and act for your community.

This interview has been edited and condensed.

SAGE GROUSE

Ad to Zinke: 'Stand with the West, not Washington'

Jennifer Yachnin, E&E News reporter

Published: Friday, June 23, 2017

Environmentalists launched a new ad campaign urging Interior Secretary Ryan Zinke to leave sage grouse conservation plans alone. U.S. Department of Agriculture/Flickr

The Western Values Project today launched a six-figure ad campaign urging Interior Secretary Ryan Zinke to refrain from altering federal sage grouse conservation plans.

The Montana-based government watchdog group's new campaign will also call on Western state governors to "hold Secretary Zinke and Washington bureaucrats accountable" for attempting to roll back any of the conservation efforts finalized in 2015.

Advertisements will air on television and digital markets, as well as in print, in Colorado, Montana, Nevada and Wyoming. The spots are timed to coincide with the Western Governors' Association's annual meeting next week, which will be held in Montana and features Zinke as a keynote speaker.

"Secretary Zinke's Secretarial Order undermines years of bipartisan collaboration to conserve the greater sage-grouse," Western Values Project Executive Director Chris Saeger said in a statement. "It appears Secretary Zinke wants to scrap all the work done by Western communities, coalitions, sportsmen and women, wildlife managers, private landowners, and industry groups."

He added: "If the Governors have an audience with Secretary Zinke next week, they must use it to insist that Interior continue with the sage-grouse plans. We simply cannot afford to turn back the clock on sage-grouse conservation."

Zinke announced earlier this month that the Trump administration would review federal greater sage grouse conservation plans to determine if they are hindering energy production on public lands (*Greenwire*, June 7).

A review panel is set to assess both federal and state-level efforts to protect the birds and possibly recommend significant changes to how they are managed.

The Interior and Agriculture departments finalized their greater sage grouse plans in 2015 — covering grouse habitat across 70 million acres in 10 Western states — including amendments and revisions to 98 Bureau of Land Management and Forest Service land-use plans.

Western state governors involved in the development of conservation efforts requested to meet with Zinke at next week's WGA meeting to discuss the review. The Interior Department has not said whether Zinke will meet with the officials (*E&E News PM*, June 21).

The new campaign includes a 30-second ad that touts bipartisan efforts among Western governors to create the 2015 conservation plans, which avoided a decision by the Fish and Wildlife Service to list the sage grouse under the Endangered Species Act.

"Sage grouse are a success story, proof conservation strategies can be effective," a male narrator states in the spot as images of the mottled-brown bird appear on screen.

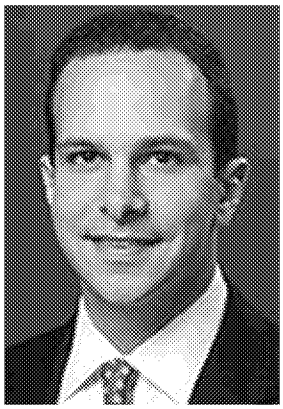
The ad continues: "Epic collaboration among Western governors protecting habitat, property rights and energy development. But now, Washington wants to tell the West what to do, and Secretary Zinke is putting the interests of federal lobbyists ahead of families and public lands. The West is winning, keeping sage grouse off the endangered species list. Tell Secretary Zinke, stand with the West, not Washington."

LOBBYING

Former GOP aides sign on to advocate for conservation group

Kevin Bogardus, E&E News reporter

Published: Friday, June 23, 2017

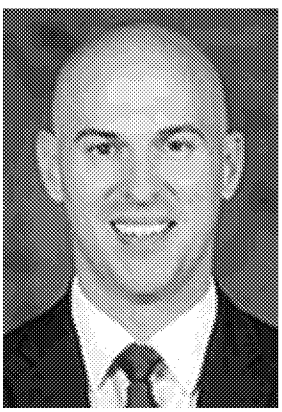


Tony Essalih. Essalih/Linkedin

The Nature Conservancy has hired former House aides to Texas Republicans to lobby on its behalf.

The environmental organization has brought on Cornerstone Government Affairs to lobby on funding for "conservation programs," "consideration of nature-based solutions in water resource projects" and "practical solutions to create a prosperous energy future," according to lobbying disclosure records released by the Senate this week.

Tony Essalih, former chief of staff to Rep. John Culberson (R-Texas); Tyler Nelson, once chief of staff to Rep. Pete Olson (R-Texas); and Justin Jordan, a former Texas political consultant, are Cornerstone's lobbyists working on behalf of the conservation group.



Tyler Nelson. Nelson/Linkedin

The Nature Conservancy has spent $230,000 on lobbying so far this year.

The group also has other lobby firms on its payroll, with staff members including ex-Republican aides, such as American Capitol Group's Tim Stewart — a former top staffer to the late Sen. Bob Bennett (R-Utah) — and BlueWater Strategies' McKie Campbell, former staff director of the Senate Energy and Natural Resources Committee for Sen. Lisa Murkowski (R-Alaska).

The Nature Conservancy is one of the few environmental groups to have met with U.S. EPA Administrator Scott Pruitt during the Trump administration's first weeks in office (*Greenwire*, June 15).

PUBLIC LANDS

BLM advances lease sale near Dinosaur monument

Jennifer Yachnin, E&E News reporter

Published: Friday, June 23, 2017

The Bureau of Land Management moved forward with plans to lease land near Dinosaur National Monument for oil and gas development. Mark Byzewski/Flickr

The Bureau of Land Management yesterday advanced plans to lease land near Dinosaur National Monument in northeast Utah despite National Park Service objections that development could negatively affect the 200,000-acre site.

According to a statement from BLM's Vernal and Price field offices, the agency is considering 64 parcels for inclusion in a December lease sale that includes nearly 67,000 acres.

The sites include parcels bordering Dinosaur and, according to NPS, would be visible from the visitor center and entrance road, as well as from other points within the monument.

"As we work in support of American energy independence, the BLM in Utah will move forward in a way that is consistent with national energy development policies," said BLM Utah spokeswoman Lisa Bryant.

"We will, of course, continue to carefully consider all nominated parcels to determine if they are appropriate for leasing and continue to conduct an environmental review before offering any leases for potential oil and gas development," Bryant said.

Conservationists have opposed the potential lease sale, arguing that energy extraction would affect the monument's dark night skies, as well as soundscapes and air quality.

"It is disappointing that BLM decided to ignore the concerns of the National Park Service at Dinosaur National Monument and include leases directly on the park border in their preferred alternative," said Nicholas Lund, senior manager of conservation programs for the National Parks Conservation Association.

"The environmental quality and visitor experience of visiting Dinosaur National Monument will be harmed if these parcels are developed," Lund said.

BLM will collect public comment on its environmental assessment through July 24. The agency is set to publish a notice of parcels included in the sale in September.

"We are currently in the leasing stage and are seeking public input to determine if these leases will be offered or not, and to determine if the stipulations are sufficient to protect the resources," said BLM Green River District Manager Gary Torres in a statement.

Conservationists had similarly objected to the sale of industry-nominated parcels near Zion National Park in southwest Utah from a scheduled September lease sale.

BLM pulled those parcels earlier this month, and the agency has yet to determine whether it will pull them permanently or eventually return them to auction (*E&E News PM*, June 2).

NATIONAL MONUMENTS

Tribes push back against Bears Ears cuts

Published: Friday, June 23, 2017

Tribal leaders and state politicians yesterday pushed back against Interior Secretary Ryan Zinke's proposed trimming of the newly formed Bears Ears National Monument.

At a discussion hosted by the University of Utah, panelists sought to dispel what they say is "misinformation and a false narrative" pushed by Utah politicians.

"The monument gives us an opportunity to apply our traditional knowledge in the management of the Bears Ears region. We are doing this for our children so they will have an opportunity to teach their kids the stories and their significance for the Navajo Nation," said Oljato chapter President James Adakai. "We hold reverence to the land, and we want that to remain forever."

Zinke has not yet specified which areas would be left out of the monument under his proposal. The Interior secretary earlier this week defended the cuts and his conversations with tribal leaders, saying tribes are split over the issue (*E&E News PM*, June 20).

But tribal leaders yesterday expressed frustration with Republicans in Congress who have challenged the monument's large size as well as tribal and federal jurisdiction under the Antiquities Act.

"This is our homeland, and we will utilize every law at our disposal to protect it. In this case, it's the Antiquities Act," said Arizona state Rep. Eric Descheenie (D) (Brian Maffly, *Salt Lake Tribune*, June 22). **— NS**

OCEANS

Federal panel moves to protect some corals, waits on others

Published: Friday, June 23, 2017

A federal panel yesterday offered new protections to deep-sea corals in the Atlantic Oceans but stopped short of protecting others so it can gather more information first.

The proposals from the New England Fishery Management Council focus on corals in the Gulf of Maine and south of Georges Bank off the coast of Massachusetts.

"The goal is to protect as much coral as you can while minimizing impact on various industries that are fishing near the corals," said John Bullard, a regional administrator for the National Marine Fisheries Service and a member of the fishery council.

The proposals, which have been debated by environmentalists and fishing groups, need to be approved by the federal Department of Commerce.

The committee decided to hold off on voting on plans for protecting coral south of Georges Bank, saying it needs more updated fishery data first (Patrick Whittle, AP/*San Francisco Chronicle*, June 22). **— CS**

INVASIVE SPECIES

Deadly fire ants float en masse after Tropical Storm Cindy

Published: Friday, June 23, 2017

Alabama officials are warning residents to watch out for floating masses of fire ants in the wake of flooding caused by Tropical Storm Cindy.

Fire ants, which spread by accident to Alabama from South America in the 1930s, are known for their aggression and painful bite, and the insects are just as dangerous in wet conditions as they are in dry conditions, Alabama officials said.

As floodwaters rise, the invasive ants cling together with their legs and feet, forming a raft that can stay afloat for up to 12 days, said University of Arkansas professor Kelly Loftin.

"Those ants that are trapped under the water will collect bubbles to break that surface tension and raise up the raft so it can float," Loftin said. "They move around so that no individual remains submerged in the water for long" (Peter Holley, *Washington Post*, June 22). **— NS**

MINING

Electric car sales boost lithium manufacturers

Published: Friday, June 23, 2017

Surging lithium demand as a result of increasing electric car sales is boosting the share prices of companies linked to mining and manufacturing the light metal.

Global X Lithium & Battery Tech, an exchange-traded fund for some of the world's largest companies linked to lithium, has increased more than 60 percent in the last 18 months.

"The acceleration in technology, including electric vehicles, could push new metals a lot higher," said Eily Ong, an analyst at Bloomberg Intelligence.

Electric car sales last year skyrocketed to 2 million, and mainstream carmakers, including Renault-Nissan and Volkswagen, are pushing for new emissions-free models.

That demand is feeding lithium-mining companies, which are scrambling to open new mines to keep up, experts say (Jonathan Tirone, Bloomberg, June 22). **— NS**

WILDFIRES

Searing heat wave complicates firefighting efforts

Published: Friday, June 23, 2017

Extreme heat in the southwest U.S. created tough conditions for firefighters battling a series of wildfires this week, including one in Arizona that has destroyed four homes.

Temperatures rose to nearly 120 degrees in parts of Arizona, California and Nevada.

In California, two firefighters were treated for injuries related to the heat as they battled a blaze in the San Bernardino Mountains. In New Mexico, a brush fire destroyed sheds and vehicles, sending two residents and a firefighter to the hospital. And in Arizona, about 100 firefighters fought a 2-square-mile blaze in Sonoita, thought to be ignited by lightning.

"The heat is a major factor not only for us getting overheated but heat will rise up our embers, which will cause more fires to pick up," said Joseph De Wolf, chief of the Sonoita-Elgin Fire District.

Across Arizona, firefighters are working on around 30 fires, spreading resources thin.

Another fire in Utah, touched off by someone using a torch to burn weeds, forced 700 people to evacuate and shut down part of a state highway (Galvan/Wang, ABC News, June 21). **— SM**

POLITICS

Mayors to address climate change at annual meeting

Published: Friday, June 23, 2017

More than 250 U.S. mayors meet in Miami Beach, Fla., today to kick off the annual national mayoral conference. Climate change is on the top of the agenda.

With many cities pushing back against the Trump administration's environmental and climate policies, the mayors plan to discuss how to reduce carbon emissions and potential collaboration.

Other top issues include protecting immigrant families — another Trump rebuttal — and curbing gun violence.

Top speakers include former New York City Mayor Michael Bloomberg, U.S. Labor Secretary Alex Acosta and U.S. Veterans Affairs Secretary David Shulkin.

The mayors vote Monday on policy resolutions to send to Washington lawmakers (AP/*Fort Worth Star-Telegram*, June 23). **— NB**

CLIMATEWIRE

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Mon., June 26, 2017

READ FULL EDITION

1. PEOPLE:

Meet Jerry Brown, from 'Gov. Moonbeam' to climate beacon

CHENGDU, China — California Gov. Jerry Brown, leader of the world's sixth-largest economy and the longest-serving governor in state history, is making climate change a signature focus of his final term. And he has made it his mission to jolt the world into action with a combination of tough talk and distinctly religious fervor.

TOP STORIES

2. RENEWABLE ENERGY:

Scientists search a gorge for the secrets of wind

3. INTERIOR:

Is Zinke cherry-picking data to boost drilling?

LAW

4. COURTS:

Indian fishermen lose suit against coal lender

STATES

5. OHIO:

Utilities face opposition to funding plan

BUSINESS

6. TRANSPORTATION:

Rare electric school buses slowly gain traction

7. RENEWABLES:

Investment strong despite Trump's support for fossil fuels

INTERNATIONAL

8. CHINA:

High-stakes carbon trading market set to launch

9. PARIS AGREEMENT:

U.S. withdrawal could mean submersion for some islands

COMMUNICATIONS

10. EPA:

Ex-staffer: Climate website removal 'declaration of war'

ENERGYWIRE
AN E&E NEWS PUBLICATION

ENERGYWIRE — Mon., June 26, 2017

READ FULL EDITION

1. GRID:
Wind works its way toward baseload power in the Northwest

As officials debate the meaning of "baseload," two wind operators in the Pacific Northwest are demonstrating how wind power can be as reliable as a coal.

TOP STORIES

2. GENERATION:
'This ain't working': Study authors see trouble in merchant sector

3. NUCLEAR:
Westinghouse parent's finances erode ahead of key U.S. deadlines

FEDERAL AGENCIES

4. EPA:
Journalists chide Pruitt for keeping records secret

ELECTRICITY

5. SOLAR:
Tariffs would slash demand in half — report

OIL AND GAS

6. REGULATION:
Ill. gears up for fight over first fracking well

7. ADVOCACY:
Top energy official urges enviros to stop fracking rhetoric

8. OIL MARKETS:
Gas prices hit new lows as U.S. shale oil glut confounds OPEC

9. PEOPLE:

Sunoco CEO to retire

10. REGULATION:

Wyo. agency will track failed oil and gas operators

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Jennifer Turley, Law Librarian
Arctic Slope Mission Services (ASMS) Contractor
U.S. Environmental Protection Agency
Office of General Counsel
202/564-3971
turley.jennifer@epa.gov

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http://www.surveymonkey.com/s/epalibsurvey

Message

From: Koslow, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: 7/30/2019 2:33:25 PM
To: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Subject: Fwd: Draft SEPs State/Local Memo
Attachments: SEP memo to Claire.docx; ATT00001.htm

FYI

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-0171

Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
Date: July 30, 2019 at 10:24:35 AM EDT
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 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. 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>

Message

From: Koslow, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: 7/17/2019 2:25:43 PM
To: Amy Porter (Porter.Amy@epa.gov) [Porter.Amy@epa.gov]
CC: Rosemarie Kelley (Kelley.Rosemarie@epa.gov) [Kelley.Rosemarie@epa.gov]
Subject: HIGH priority - Draft SEPs State/Local Memo
Attachments: ENRD State and Local SEP Memo External Draft 1.docx

Importance: High

Amy – probably one of the top priorities for you to know about is preparing for a discussion tomorrow during our OCE weekly about Jeff Clark's memo. You are on an email from Larry sent Monday at 8:27 sharing his initial reactions.

Ex. 5 AC/DP

We have not yet even discussed the memo internally (OCE). John's been involved in **Ex. 7(A)** 100% of the time this week, Caroline is on vacation and we haven't shared this with anyone else yet in OCE – we are treating it as close-hold until we can confirm differently with Larry.

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: Starfield, Lawrence
Sent: Sunday, July 14, 2019 6:49 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Draft SEPs State/Local Memo

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

Message

From: Koslow, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: 8/6/2019 12:04:56 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Amy Porter (Porter.Amy@epa.gov) [Porter.Amy@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Rosemarie Kelley (Kelley.Rosemarie@epa.gov) [Kelley.Rosemarie@epa.gov]
Subject: Susan's email re: Draft SEPs State/Local Memo
Attachments: DRAFT SEP memo to Claire .docx

All – thanks for the extra-efforts you made to provide additional information/input to Susan on a very short turn-around, when your available time was already very limited.

Attached is what Susan sent to Jeff. We'll find out from Larry on Tuesday whether there's been any additional communication on the topic since this email was sent by Susan last week.

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: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, July 31, 2019 5:51 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Draft SEPs State/Local Memo

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

Appointment

From: Swanson, Amy [Swanson.Amy@epa.gov]
Sent: 3/12/2019 6:40:25 PM
To: Swanson, Amy [Swanson.Amy@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]

Subject: Canceled: SEP Prep
Location: I'll phone your office

Start: 4/11/2019 6:00:00 PM
End: 4/11/2019 6:30:00 PM
Show Time As: Free

Importance: High

Hi Caroline. Amy Porter informed me yesterday that you are wrangling with DOJ regarding the future role and scope of SEPs in settlements. Since things are a bit up in the air, I am cancelling your SEP presentation on April 18th and our planning call today. Just give me a shout when the issues with DOJ have been resolved and you are ready to proceed with your SEP presentation. Thank you, and good luck, Amy Swanson.

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 6/26/2019 5:22:56 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)
Attachments: 3EZ5262-Ltr to Vagelatos Murphy w at.pdf; 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF; Ex. 7(A) Consent Judgment (DRAFT reflecting 3-14 call with MG).DOCX; 3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX

Ex. 5 AC/AWP

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 AC/AWP/DP

Lets have a call to discuss this. I'm available anytime until about 3 pm. Also tomorrow.

Also, can you please send to me and Carolyn the very latest version of the CJ, and its appendix B. I have a version of the CJ dated 3/29, but I'm not sure whether that is the latest version. And I have no copies of the appendix b – description of SEP.

-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 AC/AWP/DP

Ex. 5 AC/AWP/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.

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 6/14/2019 2:22:49 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: RE: Ex. 7(A)

Thanks so much for the quick response. Karen.

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, June 14, 2019 9:33 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Ex. 7(A)

Hi Karen,
Ex. 7(A) Since that time we have had prolonged negotiations over technical language in the CJ and the civil penalty amount.
Please let us know if you need further info.

Thanks!
Matt

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, June 14, 2019 7:13 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Ex. 7(A)

Matt – How long has the SEP aspect of this settlement been fully negotiated?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, May 24, 2019 3:05 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Ex. 7(A)

Dear Karen, Caroline, Mark,

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

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

Truly,
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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Thursday, May 23, 2019 11:47 AM
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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace .
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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:

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

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

If Caroline has more questions beyond any response you send us, are you available to talk with her. (Caroline, Mark can be reached at 202 514 5405).

Thanks Mark.

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 6/5/2019 4:50:04 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Ex. 7(A)

Thank you. helpful to know.

m

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, June 5, 2019 12:34 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

I hear you... I conflate cases all the time! ☺

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

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: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Sent: Wednesday, June 05, 2019 12:28 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

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

Ex. 5 AC/AWP/DP

-m

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, June 5, 2019 12:24 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Subject: RE: Ex. 7(A)

Hi Mark,
Thanks for all your help with this. Ex. 5 Attorney Client (AC)

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

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: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Sent: Wednesday, June 05, 2019 11:18 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Hi caroline

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

-m

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Monday, May 27, 2019 10:01 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Ex. 7(A)

Thank you!

Sent from my iPhone

On May 24, 2019, at 3:05 PM, Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov> wrote:

Dear Karen, Caroline, Mark,

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

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

Truly,
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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Thursday, May 23, 2019 11:47 AM
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

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Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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:

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

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

If Caroline has more questions beyond any response you send us, are you available to talk with her. (Caroline, Mark can be reached at 202 514 5405).

Thanks Mark.

<ENV_ENFORCEMENT--March 27 2019 (v2) .docx>
<Ex. 7(A) CaseSummary.docx>
<Simpson Ltr.pdf>

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 5/24/2019 7:09:59 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: RE: Ex. 7(A)

Thanks very much!

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, May 24, 2019 3:05 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Ex. 7(A)

Dear Karen, Caroline, Mark,

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

Truly,
Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division
Eastern District of New York
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Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

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Sent: Thursday, May 23, 2019 11:47 AM
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Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Re: Ex. 7(A)

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Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 5/24/2019 7:04:49 PM
To: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; karen.dworkin@usdoj.gov; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: RE: Ex. 7(A)
Attachments: ENV_ENFORCEMENT--March 27 2019 (v2) .docx; Ex. 7(A) r.pdf

Dear Karen, Caroline, Mark,

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

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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Thursday, May 23, 2019 11:47 AM
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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace .
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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:

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

If Caroline has more questions beyond any response you send us, are you available to talk with her. (Caroline, Mark can be reached at 202 514 5405).

Thanks Mark.

Message

From: Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]
Sent: 6/27/2019 7:50:24 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: RE: Ex. 7(A)

Thank you caroline!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, June 27, 2019 3:28 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: Re: Ex. 7(A)

Thanks Caroline. I will touch base with Kara and reach out if I have questions. Thank you.

Deborah

On Jun 27, 2019, at 3:24 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Hi Mark, Deborah and Matt,

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

Thanks so much for all your help working through this – it's certainly been a challengingly uncertain "hurry-up-and-wait" time, when all we all want to do is get these cases done, with the best possible result!

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: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>
Sent: Wednesday, June 26, 2019 1:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

Carolyn:

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

Let us know if you need anything further.

Best

M

p.s. what is your phone number?

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 1:23 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; makepeace.caroline@epa.gov
Subject: RE: Ex. 7(A)

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

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 AC/AWP/DP Ex. 7(A)

Lets have a call to discuss this. I'm available anytime until about 3 pm. Also tomorrow.

Also, can you please send to me and Carolyn the very latest version of the CJ, and its appendix B. I have a version of the CJ dated 3/29, but I'm not sure whether that is the latest version. And I have no copies of the appendix b – description of SEP.

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

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: Tanimura, Erin [Tanimura.Erin@epa.gov]
Sent: 10/3/2019 6:28:40 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: FW: National Air Enforcement Call
Attachments: 082119 DOJ memo no local state SEPs.pdf; 20181204 Ex. 7(A) Ex. 7(A) 9.30.19.pdf

---

From: Argentieri, Sabrina <argentieri.sabrina@epa.gov>
Sent: Wednesday, October 02, 2019 12:05 PM
To: Rivers, Tahani <Rivers.Tahani@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Skelley, Dana <Skelley.Dana@epa.gov>; Mastro, Donna <Mastro.Donna@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Cohen, Eric <cohen.eric@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Christenson, Kara <Christenson.Kara@epa.gov>; Ortega, Kellie <Ortega.Kellie@epa.gov>; Powell, Keri <Powell.Keri@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Spiegelman, Nina (Separated 1/2/19) <Spiegelman.Nina@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Tennenbaum, Susan <Tennenbaum.Susan@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Chen, Alexander <Chen.Alex@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>; Root, Kathleen <Root.Kathleen@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>; Chatfield, Ethan <chatfield.ethan@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Klepp, Robert <Klepp.Robert@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Kulschinsky, Edward <Kulschinsky.Edward@epa.gov>; Adair, Jocelyn <Adair.Jocelyn@epa.gov>; Murray, Julie <Murray.Julie@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Parrish, Robert <Parrish.Robert@epa.gov>; Burke, Shaun <Burke.Shaun@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Tanimura, Erin <Tanimura.Erin@epa.gov>; Edgell, Joe <Edgell.Joe@epa.gov>; Tozzi, Lauren <Tozzi.Lauren@epa.gov>; Kaul, Meetu <Kaul.Meetu@epa.gov>
Cc: HertzWu, Sara <HertzWu.Sara@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Hoang, Anhthu <Hoang.Anhthu@epa.gov>; Sorrell, Virginia <Sorrell.Virginia@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Patefield, Scott <Patefield.Scott@epa.gov>; Hammond, Lauren <Hammond.Lauren@epa.gov>; Portmess, Jessica <Portmess.Jessica@epa.gov>; Meisenbach, Caitlin <Meisenbach.Caitlin@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Vulcain, Dominique <vulcain.dominique@epa.gov>; Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Li, Angelica <li.angelica@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Johnstone, Lauren <Johnstone.Lauren@epa.gov>
Subject: RE: National Air Enforcement Call

National Air Enforcement Call

Thursday, October 3, 2019
2:30 Eastern

(202) 991-0477; Conference ID: 1650623

AGENDA

Ex. 7(A)

SEPs/Mitigation Project Update: To the extent possible, Caroline Makepeace will provide a short update on these ever evolving matters. DOJ memo, "Using Supplemental Environmental Projects ("SEPs") in Settlements with State and Local Governments" attached.

Ex. 7(A)

-----Original Appointment-----
From: Argentieri, Sabrina
Sent: Thursday, January 22, 2015 1:28 PM
To: Rivers, Tahani; Argentieri, Sabrina; Chapman, Apple; Skelley, Dana; Mastro, Donna; Messina, Edward; Zenick, Elliott; Cohen, Eric; Mills, Flaire; Fried, Gregory; Matthews, Julie; Christenson, Kara; Ortega, Kellie; Powell, Keri; Villatora, Liliana; Gross, Louise C; Spiegelman, Nina (Separated 1/2/19); Welton, Patricia; Brooks, Phillip; Lischinsky, Robert; Stahle, Susan; Tennenbaum, Susan; Dykes, Teresa; Olivier, Tom; Nowell, Valerie; Chen, Alexander; Snyder, Doug; Stoltzfus, Robert; Palermo, Mark; Root, Kathleen; Lieben, Ivan; Chatfield, Ethan; Froikin, Sara; Klepp, Robert; Williams, Melina; Gallagher, Shirin; Belser, Evan; Vergeront, Julie; Thompson, Christopher; Kulschinsky, Edward; Adair, Jocelyn; Murray, Julie; LaBoda, Sarah; Meyer, Jonathan; Parrish, Robert; Burke, Shaun; Barnett, Cheryl; Tanimura, Erin; Edgell, Joe; Tozzi, Lauren; Kaul, Meetu
Cc: HertzWu, Sara; Muller, Sheldon; Caballero, Kathryn; Spina, Providence; Sullivan, Tim; Hoang, Anhthu; Sorrell, Virginia; McClintock, Katie; Peggy Livingston; Patefield, Scott; Hammond, Lauren; Portmess, Jessica; Meisenbach, Caitlin; Dugan, Brett; Mia, Marcia; Vulcain, Dominique; Shepherdson, Melanie; Eric Triplett (Triplett.Eric@epa.gov); Dixon, Chelsea; Li, Angelica; Cobb, Brandon; Dean, Abigail; Scinta, Robert; Johnstone, Lauren
Subject: National Air Enforcement Call
When: Thursday, October 3, 2019 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: (202) 991-0477; Conference ID: 1650623

2015 Monthly Air Enforcement Call. Agenda will be distributed prior to each call.

I invite you to send me items for the monthly call at any time. I will include the topic on the agenda for the following monthly call. Agenda items include any topic related to CAA enforcement you think would interest the group, including, but not limited to, case development issues, litigation updates, case resolutions, court decisions, rulemakings, applicability determinations, and inquiries seeking feedback from our national CAA enforcement experts.

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 5/1/2019 7:24:53 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: draft

Caroline – I need to turn to the examples; the last paragraph needs work. Ex. 5 Attorney Client (AC)

Ex. 5 AC/DP

Appointment

From: Porter, Amy [Porter.Amy@epa.gov]
Sent: 4/29/2019 4:14:48 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]

Subject: FW: 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: Tentative

-----Original Appointment-----
From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Monday, April 29, 2019 11:33 AM
To: karen.dworkin@usdoj.gov; Starfield, Lawrence; bruce.gelber@usdoj.gov; Porter, Amy
Cc: Douglas, Nathaniel (ENRD); Snow, Corinne (ENRD); Mariani, Tom (ENRD); Kelley, Rosemarie
Subject: SEP discussion on Monday
When: Monday, April 29, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: call-in number

Ex. 6 Personal Privacy (PP)

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 about Ex. 7(A) 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/AWP/DP 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: 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/AWP/DP Ex. 7(A)

>>
>> 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:
>>>
>>> Very sorry but I just realized that I will be Ex. 6 Personal Privacy (PP) on Monday, at 2:30. Depending on how long that takes, I may or may not be free to join you. Karen.
>>>
>>> -----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

Message

From: Brown, Stephanie [Brown.Stephanie@epa.gov]
Sent: 9/20/2019 11:50:22 AM
To: Presler, Amos [presler.amos@epa.gov]; McAuliffe, Mary [mcauliffe.mary@epa.gov]
CC: Baney, Tony [Baney.Tony@epa.gov]; Miles, James [miles.james@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: SEPs - Fwd: from InsideEPA.com -- September 20, 2019

Hi. FYI:

DOJ Weighs 'Broader' SEP Limits As New Policy Forces Renegotiations

September 19, 2019

A top Justice Department (DOJ) official is considering additional "broader" limits on the use of popular supplemental environmental projects (SEPs) as a way to mitigate penalties in enforcement settlements after DOJ last month curbed their use in municipal settlements, forcing renegotiation of some pending deals and likely curbing future settlements that would implement EPA's upcoming lead and copper drinking water rule.
Jeffrey Clark, DOJ's assistant attorney general for the Environment & Natural Resources Division (ENRD), told *Inside EPA* on the sidelines of the American Bar Association environment fall conference in Boston Sept. 12, that the department continues to examine additional options for curbing defendants' use of such projects in settlements, as he had indicated in his **August memo** that dramatically limited SEPs for municipalities.
"That memo indicates that we're looking at the larger issue of SEPs as well, so that's ongoing," he said. "I shouldn't and can't prejudge the outcome of that. What's under consideration is whether to do something that's broader than that."
Clark added that, in the meantime, "the only guidance is the state and local assessment, which does discuss some general principles. It's not purely talking about state and local SEPs."
While Clark would not discuss details of any forthcoming policy, one source says attorneys are bracing for the possibility that DOJ may "completely abolish" the use of SEPs, or at least make it much more difficult to negotiate them.
But even before any next step, a second source adds that Clark's recent limits on SEPs in municipal settlements is already forcing the renegotiation of about 10 draft deals with publicly owned treatment works (POTWs).
"We are not talking about a reopener or modification to an already-entered decree," the second source says.
DOJ has sought to modify one settlement that had been submitted to a court but not yet entered, over the SEP issue. DOJ opposed the 2017 agreement with Harley Davidson over its $3 million payment to the American Lung Association for a wood-stove swap-out program. More than two years later, the court has yet to act on the request, which DOJ **reiterated most recently in February**.
SEPs are projects that settling parties agree to undertake to mitigate the impacts of an alleged environmental violation and have long been considered a popular settlement enticement since parties can win penalty relief and build good will in the communities the projects benefit.
Defenders of the projects say they have often been crucial tools in facilitating otherwise difficult-to-negotiate agreements with both governments and private industry, and that the inability to use them would spur more litigation or higher enforcement penalties for defendants.
But critics charge that SEPs enable "sweetheart deals" with environmentalists and allow enforcement efforts to go beyond what would otherwise be obtainable under existing laws.
Top Trump administration officials have adopted policies that limited their use. For example, former Attorney General Jeff Sessions in 2017 imposed **a ban on payments** to third parties in settlements that environmentalists and many attorneys feared would limit the use of SEPs.

Sessions **later clarified** that projects that comply with EPA's SEP policy were exempted from the ban. He also indicated that SEPs in settlements with municipal entities required approval from ENRD,
Clark's Aug. 21 memo reiterated Sessions' requirement that municipal entities receive ENRD approval but also issued additional criteria that the memo says will apply to "rare" case-by-case approval of SEPs, characterizing the criteria as "interim" while DOJ continues its broader review of the issue.

Outright Ban

But the outside sources say that if Clark proceeds with an outright ban on SEPs, it could hamper settling parties' willingness to reach a deal and prompt more litigation, though these sources also note that the impact is unclear since DOJ is also bringing far fewer enforcement cases compared to prior administrations.
The second source says the latest SEPs policy is "more of an announcement as opposed to a conversation" and that the decision, which stems from Attorney General William Barr, came as a surprise to DOJ staff attorneys.
From the perspective of communities planning to do SEPs, "this is a bit of a game changer," the source adds. "It certainly will impact how civil penalty discussions play out, given the nexus between civil penalties and SEPs. As a result, certain [municipal governments] will be subject to greater civil penalties than if they were otherwise doing a SEP. . . . A lot of munis may be surprised to learn down the road that a tool that had been used widely, prior to the August memo, is no longer an option."
However, the source also notes, "There are not a whole lot of new enforcement efforts, given the downward trend, so the impacts" may not be widespread. A future administration could, of course, reverse the policy, but "what we have right now is the policy we have."
The first source says the new SEP limits will likely impair settlement discussions when DOJ begins enforcing new EPA lead and copper rules under the Safe Drinking Water Act, which will "require large remediation across the country" and is a new national enforcement priority.
But the source also notes far fewer enforcement cases being pursued and of those, settlements of cases even without SEPs are taking longer to win management approval, signaling that settling cases is "less of a priority" at DOJ. The source also says that the clampdown on SEPs so far has not impacted industry's willingness to consider them in ongoing settlement talks.
A DOJ spokesman declined to say what might be next for SEPs but referenced **an Aug. 27 talk** by Principal Deputy Assistant Attorney General Jonathan Brightbill to the Association of Air Pollution Control Agencies where he said the August memo "concludes . . . that consent decrees with state and local governments generally should not seek relief that a court cannot order."
He added that the memo clarifies that SEPs will not be approved as part of municipal agreements. "ENRD will generally not use its settlements and consent decrees as a means for defendants to acquiesce in doing projects that may benefit certain special interests."
But Brightbill also acknowledged that ENRD has expended "significant effort" in negotiating SEPs prior to the policy and in light of that included a process for seeking exemptions. He also extended an invitation for Congress to clearly authorize the use of SEPs.
However, the newest restrictions are getting widespread condemnation from groups such as the Center for Progressive Reform, which called the policy "a damaging retreat for environmental enforcement" in **a Sept. 18 blog post**. It also called the policy "ill-considered and irrational" because SEPs often represent a middle ground and a "logical extension of the typical activities" of local agencies.
The alternative of paying higher fines to the U.S. Treasury "accomplishes little or nothing for health or the environment."
The American College of Environmental Lawyers' Zach Miller called the policy "three steps back" in **a Sept. 10 blog post**. The moves are "legally unsound, are generally not sought or supported by the business community or state or local governments, and are counter-productive to the effective enforcement of federal environmental law." -- *Dawn Reeves* **(dreeves@iwpnews.com)**

Stephanie Brown
OECA/OCE/WCED

Begin forwarded message:

From: "InsideEPA.com" <insideepa-alerts@iwpnews.com>
Date: September 20, 2019 at 7:14:04 AM EDT
To: brown.stephanie@epa.gov
Subject: The Morning Headlines from InsideEPA.com -- September 20, 2019
Reply-To: insideepa-alerts@iwpnews.com

September 20, 2019

The Weekly Focus

DOJ Weighs 'Broader' SEP Limits As New Policy Forces Renegotiations

A top Justice Department (DOJ) official is considering additional "broader" limits on the use of popular supplemental environmental projects (SEPs) as a way to mitigate penalties in enforcement settlements after DOJ last month curbed their use in municipal settlements, forcing renegotiation of some pending deals and likely curbing future settlements that would implement EPA's upcoming lead and copper drinking water rule.

Latest News

Agencies Defend Legal Basis For Scrapping California Auto GHG Waiver

EPA and the Transportation Department (DOT) are defending the legal basis for their just-issued rule revoking California's power to set its own vehicle greenhouse gas limits, asserting the state is preempted by fuel economy law and lacks "compelling and extraordinary" conditions needed to receive such authority under the Clean Air Act.

Science Rule Schedule Slips As EPA Readies Supplemental, Wheeler Says

EPA Administrator Andrew Wheeler told the House science committee Sept. 19 that the agency's schedule for issuing its controversial rule barring regulators from relying on scientific research that is not published has slipped as the agency is preparing to issue a supplemental proposal in early 2020.

Governors Press Congress To Back PFAS Measures In Defense Bill

A bipartisan group of 15 governors is pressing leaders of the House and Senate Armed Services committees to back measures in pending defense authorization legislation that would require EPA and the Defense Department (DOD) to set policies to regulate the chemicals, curb releases and clean up contamination from per- and polyfluoroalkyl substances (PFAS).

CARB Pledges To Enforce Current Auto GHG Rules Despite EPA Preemption

California Air Resources Board (CARB) officials say they will continue to enforce the state's strict vehicle greenhouse gas standards during litigation over the Trump administration's just-issued revocation of the state's Clean Air Act preemption waiver allowing it to set its own requirements.

EPA, NHTSA Release Final Rule Revoking California Auto GHG Authority

EPA and the National Highway Traffic Safety Administration (NHTSA) have released the text of their final regulation revoking California's authority to enforce auto greenhouse gas and zero-emission vehicle (ZEV) standards, with administration officials arguing the step is necessary to preserve a single set of national requirements.

Daily Feed

Trump says EPA to cite San Francisco over homeless pollution

The president's remarks come as the White House is engaged in a heated confrontation with California over vehicle greenhouse gas standards.

EPA Gold King mine spill suits might see three-part trial starting in 2021

Litigation over the 2015 Gold King spill is not expected to go to trial until the summer of 2021 under a new plan that would split its 'complex' proceedings into three parts.

OMB completes review of proposed DOE mercury storage fees rule

The Energy Department's proposed elemental mercury storage fees rule is part of a program to designate a facility for long-term storage of the substance under a 2008 law banning the export of mercury.

EPA, DOJ announce $47 million pact with Hyundai over illegal engines

The government says that the vehicle manufacturer illegally "stockpiled" thousands of engines with outdated emission controls and later sold them in heavy construction equipment.

Ewire: EPA, DOT detail rule to scrap California auto GHG power

In today's Ewire: The agencies' rule will "help ensure there will be one, and only one, set of national fuel economy and greenhouse gas emission standards for vehicles," they argue.

Environmentalists sue EPA over New Mexico stormwater

"We are disappointed that for years EPA has failed to take action to protect New Mexicans' public health and environment and require that these toxic discharges be controlled and monitored."

Environment Next

Interview

EDF Said Environmental 'Crisis' Requires Policies, Voluntary Programs

As the head of Environmental Defense Fund's (EDF) business partnerships program, Tom Murray has seen industry's trend toward sustainability grow significantly, including companies pursuing voluntary emissions cuts, use of safer chemicals, and a growing focus on addressing climate change.

States See Climate Programs Building 'Infrastructure' For Future Federal Plan

BOSTON -- State officials pushing aggressive green energy mandates and opposing EPA's rule rollbacks see their programs as "infrastructure" for complying with future federal rules, echoing a belief from some Democrats and environmentalists that states will be unable to meet their climate goals without Democrats retaking the White House.

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Message

From: Ihlenburg, Erick [Ihlenburg.Erick@epa.gov]
Sent: 4/25/2019 5:39:08 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Klepp, Robert [Klepp.Robert@epa.gov]
Subject: RE: NYC DOE
Attachments: 04.23.19 Ex. 7(A) A Briefing Paper_4_3_19_draft_updated.docx

Bob, Caroline,

I've attached an updated briefing paper for Ex. 5 AC/AWP/DP Ex. 7(A) If you don't mind, please send me any markups so I can circulate a final version to my management. Thanks,

Erick

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

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From: Makepeace, Caroline
Sent: Tuesday, April 23, 2019 2:44 PM
To: Klepp, Robert <Klepp.Robert@epa.gov>; Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: RE: Ex. 7(A)

I'm not available then. My two cents on next steps:

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

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

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

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From: Klepp, Robert
Sent: Tuesday, April 23, 2019 2:26 PM
To: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Ex. 7(A)

Erick,

We just met with John Fogarty. Are you free at 4 this afternoon for a call to discuss?

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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Appointment

From: Swanson, Amy [Swanson.Amy@epa.gov]
Sent: 4/11/2019 11:42:22 AM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]

Subject: Canceled: SEP Prep
Location: I'll phone your office

Start: 4/11/2019 6:00:00 PM
End: 4/11/2019 6:30:00 PM
Show Time As: Free

Importance: High

Hi Caroline. Amy Porter informed me yesterday that you are wrangling with DOJ regarding the future role and scope of SEPs in settlements. Since things are a bit up in the air, I am cancelling your SEP presentation on April 18th and our planning call today. Just give me a shout when the issues with DOJ have been resolved and you are ready to proceed with your SEP presentation. Thank you, and good luck, Amy Swanson.

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 9/16/2019 1:04:13 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: FW: URGENT - for your review - Ex. 7(A) - better versions

Here's where we are.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Monday, September 16, 2019 9:02 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: Fwd: URGENT - for your review - Ex. 7(A) - better versions

Hi Karen

I'm still waiting for a better answer but this is what I have so far.

I've asked Matt Silverman and Diane Leonardo to get me the definitive answer as soon as they can.

-Mark

Begin forwarded message:

From: "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Date: September 13, 2019 at 3:23:16 PM EDT
To: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Cc: "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>
Subject: RE: URGENT - for your review - Ex. 7(A) -- better versions

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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Friday, September 13, 2019 10:22 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Re: URGENT - for your review - Ex. 7(A) -- better versions

Ok that's what I thought

By the way if true that suggests we don't need "pre approval" of this CJ
M
On Sep 13, 2019, at 10:01 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Friday, September 13, 2019 9:52 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Fwd: URGENT - for your review - Ex. 7(A) -- better versions

Hi guys

Do you know the answer?

-Mark

Begin forwarded message:

From: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>
Date: September 13, 2019 at 8:49:32 AM EDT
To: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Subject: FW: URGENT - for your review - Ex. 7(A) **-- better versions**

Mark, do you know the answer to Caroline's question re Ex. 7(A)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, September 12, 2019 2:34 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: RE: URGENT - for your review Ex. 7(A) better versions

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

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

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, September 12, 2019 2:24 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: URGENT - for your review - Ex. 7(A) - better versions

Having folks that know these cases review these now. Will get back to you very soon.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, September 12, 2019 12:55 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: FW: URGENT - for your review - Ex. 7(A) -- better versions

Ugh, version control issues, because my computer kept crashing -- please look at these instead. Sorry!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement

US Environmental Protection Agency
202-564-6012

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From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:42 PM
To: karen.dworkin@usdoj.gov
Subject: FW: URGENT - for your review - Ex. 7(A)

Karen –

Ex. 5 AC/AWP/DP

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

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

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Message

From: Porter, Amy [Porter.Amy@epa.gov]
Sent: 9/16/2019 12:25:46 PM
To: Holmes, Carol [Holmes.Carol@epa.gov]
CC: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: Re: Cancel or reschedule Thursday's DOJ/OCE/RC call

I will ask her. I'm guessing cancel.

Sent from my iPhone

On Sep 16, 2019, at 8:14 AM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

DOJ says they don't have any agenda items.

I didn't get any response to my request for agenda items (deadline was COB on Friday), and folks met with the RCs last week.

Amy – can you ask Rosemarie is she wants to have the call this Thursday, or cancel (or reschedule) it?

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Monday, September 16, 2019 8:06 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Requesting feedback on two proposed agenda items for Thursday's DOJ/OCE/RC call

Hi Carol. **Ex. 5 Attorney Client (AC)**

I'm copying Nat as he will be joining the call. Please copy him on the final agenda.

Tom is out and I have another obligation that conflicts with this call, so neither of us will be on the call. I don't believe we have agenda items.

Karen.

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Monday, September 16, 2019 8:01 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Requesting feedback on two proposed agenda items for Thursday's DOJ/OCE/RC call

Hi Karen **Ex. 5 Attorney Client (AC)** or if there is anything DOJ can speak to on this topic if we have it on the agenda for the call this week. Thanks, Carol

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Tuesday, August 13, 2019 3:12 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Requesting feedback on two proposed agenda items for Thursday's DOJ/OCE/RC call

Carol, # 1 is premature. We are ok canceling this one. Karen.

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, August 13, 2019 9:33 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Requesting feedback on two proposed agenda items for Thursday's DOJ/OCE/RC call

Hi Karen – I wanted to check in with you regarding two proposed agenda items for the call, to see if they made sense from a DOJ perspective:

1. Ex. 5 AC/DP

2. On the November call we talked about making sure that the case name appeared on signature pages for CDs, either as a headers/footer or otherwise on the signature pages. But we are still seeing CDs without the case name on signature pages. We were thinking a reminder would be good, but didn't want to surprise you with the agenda item.

These are the only two agenda items for now. Could you please get back to me with DOJ's reaction to these two items, especially because if item 1 should be postponed, then I may suggest we cancel (would that be OK with DOJ?). Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

Message

From: Gonzalez, Sarah [Gonzalez.Sarah@epa.gov]
Sent: 11/15/2017 8:25:19 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Middletown - Updated SEP Summary

okay, thank you this is super helpful.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 3:21 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 AC/AWP/DP

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 3:14 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 15, 2017 2:59 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Ex. 5 AC/AWP/DP

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 15, 2017 2:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 5:36 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah -

Ex. 5 AC/AWP/DP

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

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From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:56 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Caroline,

Here is the information you requested.

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Gonzalez, Sarah
Sent: Tuesday, November 14, 2017 4:37 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

will do!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Tuesday, November 14, 2017 12:02 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Sarah –

Ex. 5 AC/AWP/DP

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, November 08, 2017 4:46 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Remind me if you haven't heard from me. There's a lot hopping, and I'm acting for Amy all week too. Thx,a nd have a good weekend.

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

Next week is perfect, thank you!

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Makepeace, Caroline
Sent: Wednesday, November 08, 2017 4:10 PM
To: Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>
Subject: RE: Middletown - Updated SEP Summary

I will. But not until next week. Is that ok?

Caroline Makepeace

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

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From: Gonzalez, Sarah
Sent: Wednesday, November 08, 2017 4:08 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Middletown - Updated SEP Summary

Good afternoon Caroline,

Ex. 5 AC/AWP

Thank you in advance,

Sarah Gonzalez
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)
gonzalez.sarah@epa.gov

From: Atriano, Vincent [mailto:vincent.atriano@squirepb.com]
Sent: Wednesday, November 08, 2017 3:07 PM
To: McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>
Cc: Robert.Darnell@USDOJ.GOV; Prichard, Gary <prichard.gary@epa.gov>; Gonzalez, Sarah <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; 'Tadych, Scott' (scottt@cityofmiddletown.org) <scottt@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Subject: RE: Middletown - Updated Drafts

INADMISSIBLE SETTLEMENT COMMUNICATION

Nick:

Attached please find a letter responding to your request for additional information concerning the City's proposed SEP. Please let me know if you have any questions. Thanks.

Vince

SQUIRE PATTON BOGGS

Vincent Atriano
Partner
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215

T +1 614 365 2783
O +1 614 365 2700
F +1 614 365 2499
M +1 614 579 4708

vincent.atriano@squirepb.com | squirepattonboggs.com

From: McDaniel, Nicholas A. (ENRD) [mailto:Nicholas.A.McDaniel@usdoj.gov]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Atriano, Vincent <vincent.atriano@squirepb.com>; Landen, Les (lesl@cityofmiddletown.org) <lesl@cityofmiddletown.org>; Etter, Andrew <andrew.etter@squirepb.com>
Cc: Darnell, Robert (ENRD) <Robert.Darnell@usdoj.gov>; Prichard, Gary <prichard.gary@epa.gov>; 'Gonzalez, Sarah' <Gonzalez.Sarah@epa.gov>; Helkowski Scott (lawrence.helkowski@ohioattorneygeneral.gov) <lawrence.helkowski@ohioattorneygeneral.gov>
Subject: Middletown - Updated Drafts

Vince, Andrew, and Les,

Ex. 7(A)

Ex. 7(A)

Thanks,
Nick

Nicholas A. McDaniel
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Washington DC 20044
(202) 514-0096
Nicholas.A.McDaniel@usdoj.gov

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#US

Message

From: Porter, Amy [Porter.Amy@epa.gov]
Sent: 8/29/2019 8:52:53 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: SEP follow up

Great email – thank you.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, August 29, 2019 4:48 PM
To: karen.dworkin@usdoj.gov; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: SEP follow up

Hi Karen,

Ex. 5 AC/AWP/DP

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

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, August 29, 2019 2:37 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEP follow up

Hi. I see Rosemarie is out today. Forwarding this for any info you have on the call yesterday, and any initial reactions to the below. Hoping this is something we can finalize and get out to our folks as early as tomorrow. Karen.

From: Dworkin, Karen (ENRD)
Sent: Thursday, August 29, 2019 12:56 PM
To: 'Kelley, Rosemarie' <Kelley.Rosemarie@epa.gov>
Subject: time for a SEP follow up call today?

Ex. 5 AC/AWP/DP

Message

From: Powers, Emily (ENRD) [Emily.Powers@usdoj.gov]
Sent: 8/29/2017 3:14:10 PM
To: Fentress, Robert [Fentress.Robert@epa.gov]
CC: Robers, Brandon (ENRD) [Brandon.Robers@usdoj.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Ex. 7(A) DRAFT CD Redline and DRAFT Appendices

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

From: Fentress, Robert [mailto:Fentress.Robert@epa.gov]
Sent: Tuesday, August 29, 2017 10:56 AM
To: Powers, Emily (ENRD) <EPowers@ENRD.USDOJ.GOV>
Cc: Robers, Brandon (ENRD) <BRobers@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 7(A) DRAFT CD Redline and DRAFT Appendices

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

Robert D. Fentress
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-7023
fentress.robert@epa.gov

NOTE: This transmission may contain deliberative, attorney-client communications, attorney work-product, or otherwise privileged material. Do not release under FOIA without appropriate review. If this message has been received by you in error, please delete it from your machine as well as from all storage media whether electronic or hard copy.

From: Powers, Emily (ENRD) [mailto:Emily.Powers@usdoj.gov]
Sent: Monday, August 28, 2017 10:48 AM
To: Zimny, James <zimny.james@epa.gov>
Cc: Robers, Brandon (ENRD) <Brandon.Robers@usdoj.gov>; Fentress, Robert <Fentress.Robert@epa.gov>
Subject: FW: Ex. 7(A) DRAFT CD Redline and DRAFT Appendices

James –

Hey there; I hope all is well and that you had a good vacation.

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

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

Thanks, James. We miss you! But hope all is well with your new position.

Emily

From: Powers, Emily (ENRD)
Sent: Tuesday, February 21, 2017 5:03 PM
To: jdelafuente@lglawfirm.com; Nathan Vassar <nvassar@lglawfirm.com>
Cc: Robers, Brandon (ENRD) <BRobers@ENRD.USDOJ.GOV>
Subject: Ex. 7(A) DRAFT CD Redline and DRAFT Appendices

Joe and Nathan –

Ex. 7(A)

Thanks.

Emily

Emily C. Powers
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611 Ben Franklin Station
Washington, DC 20044-7611
phone: (202) 616-3168
fax: (202) 616-6584
emily.powers@usdoj.gov

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 6/17/2019 3:49:48 PM
To: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Porter, Amy [Porter.Amy@epa.gov]
Subject: RE: For review Write-ups on Muni Cases with SEPs
Attachments: Ex. 5 Attorney Client (AC)

Slightly updated version attached

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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Sunday, June 16, 2019 5:59 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: For review Write-ups on Muni Cases with SEPs

Thanks Caroline.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Sunday, June 16, 2019 5:52 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: For review Write-ups on Muni Cases with SEPs

Attached is a shot at pulling together the email traffic and snippets -- for your review, comments and any additions. I'm sharing with WED as well.

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

Thanks, and hope you had nice weekends!

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: Friday, June 14, 2019 5:08 PM
To: karen.dworkin@usdoj.gov
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: Ex. 7(A)

Thank you Karen! I will try to crave out some time this weekend to patch together what we've got, and share with you for QA/QC, so our facts will be as straight as possible for Monday's call

Sent from my iPhone

On Jun 14, 2019, at 2:36 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

> We wont know on this one til Monday.
>
> **From:** Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
> **Sent:** Friday, June 14, 2019 2:10 PM
> **To:** Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
> **Subject:** Fwd: Ex. 7(A)
>
> More to follow on Monday ...
>
> -Mark
>
> Begin forwarded message:
>
> **From:** "Silverman, Matthew (USANYE)" <Matthew.Silverman@usdoj.gov>
> **Date:** June 14, 2019 at 1:21:04 PM EDT
> **To:** "Gallagher, Mark (ENRD)" <Mark.Gallagher@usdoj.gov>
> **Subject: Re:** Ex. 7(A)
>
> **Ex. 5 AC/AWP/DP Ex. 7(A)**
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> On Jun 14, 2019, at 1:12 PM, Gallagher, Mark (ENRD) <MGallagher@enrd.usdoj.gov<mailto:MGallagher@enrd.usdoj.gov>> wrote:
>
> Hi Matt
>
> I haven't heard from James. Do you happen to know the answer to Karen's question?
>
> Kate is usually in a hurry when she asks me a question so I don't like to wait too long to answer her.

If James is out and you don't know the answer let me know that also so I can tell Karen we'll have an answer for her on Monday.

-Mark

Begin forwarded message:

From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Date: June 14, 2019 at 7:53:21 AM EDT
To: "Cho, James (USANYE)" <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>, "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
Subject: Fwd: Ex. 7(A)

Hi James

Can you answer this question for Karen ?

-mark

Begin forwarded message:

From: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>
Date: June 14, 2019 at 7:18:43 AM EDT
To: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Subject: Ex. 7(A)

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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
Sent: Thursday, May 23, 2019 11:47 AM
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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace .
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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:

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

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 6/14/2019 1:39:30 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
CC: karen.dworkin@usdoj.gov; Gallagher, Mark (ENRD) [Mark.Gallagher@usdoj.gov]; Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Subject: Re: Ex. 7(A) SEP info

Thanks, Matt!

Sent from my iPhone

On Jun 14, 2019, at 9:33 AM, Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov> wrote:

Hi Karen,

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

Thanks!
Matt

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, June 14, 2019 7:13 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Ex. 7(A)

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

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, May 24, 2019 3:05 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Ex. 7(A)

Dear Karen, Caroline, Mark,

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

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

Please let us know if you need further information, and if so, we will consult with Region 2 on Tuesday.

Truly,
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

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Thursday, May 23, 2019 11:47 AM
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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace .
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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:

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

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

If Caroline has more questions beyond any response you send us, are you available to talk with her. (Caroline, Mark can be reached at 202 514 5405).

Thanks Mark.

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 6/13/2019 9:32:18 PM
To: karen.dworkin@usdoj.gov
Subject: SEPs

Ex. 5 AC/AWP/DP

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

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Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 5/28/2019 3:24:54 PM
To: karen.dworkin@usdoj.gov
Subject: FW: Ex. 7(A)
Attachments: Ex. 7(A) Consent Judgment (DRAFT reflecting 3-14 call with MG).DOCX; 3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX

Hi Karen –

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

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: 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 (AC)
Ex. 5 (AC)
Ex. 5 (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

I know I just emailed you about this but on further reflection, it probably makes sense for you to communicate directly with Karen Dworkin (my boss) and Caroline makepeace
.
Please just cc me on whatever you send them. I probably don't need to participate in any phone calls you have with Caroline.

(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:

Ex. 5 AC/AWP/DP

Thanks Mark.

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 5/8/2019 4:45:45 PM
To: Ihlenburg, Erick [Ihlenburg.Erick@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Slizys, Ray [Slizys.Ray@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
CC: Klepp, Robert [Klepp.Robert@epa.gov]
Subject: RE: Ex. 7(A)

Thanks, Erick. I'm very glad this worked out.

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: Ihlenburg, Erick
Sent: Wednesday, May 08, 2019 10:48 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Slizys, Ray <Slizys.Ray@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>
Cc: Klepp, Robert <Klepp.Robert@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 7(A)

Ex. 5 AC/AWP/DP

Erick

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Wednesday, May 08, 2019 9:44 AM
To: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: RE: Ex. 7(A)

Ex. 5 AC/AWP/DP

Matt

From: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Sent: Wednesday, March 20, 2019 12:10 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Ex. 7(A)

Hi Matt,

Ex. 5 AC/AWP/DP

FYI, I'll be out on leave starting this afternoon through next Tuesday. Will touch base with you again later next week.

Erick

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

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Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 5/2/2019 7:25:48 PM
To: karen.dworkin@usdoj.gov
Subject: RE: muni SEPs

Actually, that's not inconsistent with what you heard, just a different focus.

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: Thursday, May 02, 2019 3:11 PM
To: karen.dworkin@usdoj.gov
Subject: Re: muni SEPs

This is what folks are saying here:

Ex. 5 AC/AWP/DP

Sent from my iPhone

On May 2, 2019, at 2:18 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 AC/AWP/DP

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 6/26/2019 8:03:36 PM
To: karen.dworkin@usdoj.gov
Subject: RE: Ex. 7(A)

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: Makepeace, Caroline
Sent: Wednesday, June 26, 2019 3:46 PM
To: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Subject: RE: Ex. 7(A)

Henry Friedman.
Thanks, Karen.

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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Wednesday, June 26, 2019 3:44 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 7(A)

First I heard. I'll check it out. who were they told that by?

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, June 26, 2019 3:34 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: Ex. 7(A)

Hi Karen –

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

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 [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 5/23/2019 8:46:06 PM
To: Amy Porter [Porter.Amy@epa.gov]; Karin Koslow [Koslow.Karin@epa.gov]
Subject: FW: Briefing Papers for the Third-Party Payments and SEPs Briefing on Friday, April 19, 2019 at 10:00 A.M.
Attachments: LPS-#268841-v1-TPP_Briefing_Paper_041519_External.DOCX; LPS-#268842-v1-SEPs_Briefing_Paper_041519_External.DOCX

DOJ's SEP briefing papers, sans attachments (since those included OLC opinions)

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: Miller, Wendy (ENRD) <Wendy.Miller@usdoj.gov>
Sent: Monday, April 15, 2019 3:20 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: bruce.gelber@usdoj.gov; karen.dworkin@usdoj.gov; justin.smith@usdoj.gov
Subject: Briefing Papers for the Third-Party Payments and SEPs Briefing on Friday, April 19, 2019 at 10:00 A.M.

CLOSE-HOLD MATERIALS ATTACHED

Ex. 5 AC/DP

Thanks very much.

Wendy J. Miller
Senior Counsel
Law and Policy Section
Environment and Natural Resources Division
Department of Justice
Phone: 202-616-6557
Email: Wendy.Miller@usdoj.gov

Please note that this message and any attachments may be confidential and subject to privilege.

From: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>
Sent: Monday, April 8, 2019 11:53 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Heminger, Justin (ENRD) <JHeminger2@ENRD.USDOJ.GOV>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; Miller, Wendy (ENRD) <WMiller@ENRD.USDOJ.GOV>; Wardzinski, Karen (ENRD) <KWardzinsk@ENRD.USDOJ.GOV>
Subject: RE: Briefing on SEPs

Yes. You are invited. Jeff now has a conflict on Friday. Meeting will probably be moved to Thursday or into next week. Stay tuned.

Justin – can you let EPA know when meeting is rescheduled. Thanks

---

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, April 8, 2019 10:19 AM
To: Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Briefing on SEPs

Bruce and Tom,

I understand that Susan and I (and OCE, I hope) are invited to the briefing for Jeff on Friday re: SEPs – correct? Could you have someone send Cari Shiffman the details? She is at 202-564-2898. Thanks.

Larry

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 10/1/2019 3:39:47 PM
To: Rae, Sarah [Rae.Sarah@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]
CC: Amy Porter [Porter.Amy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Ex. 5 AC/AWP/DP

That's peculiar, since that sentence wasn't in what I sent and the divisions reviewed, or what Rosemarie sent to the front office, which were dated 9/16. What Susan B sent over was dated 9/21, so maybe it was changed by Susan or by Larry?

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: Tuesday, October 01, 2019 11:24 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 AC/AWP/DP

Rosemarie,

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

Please let me know if you have any questions,

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: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, October 01, 2019 11:05 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Pollins,

Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Subject: FW: Ex. 5 AC/AWP/DP

FYI

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 27, 2019 4:55 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: FW: Ex. 5 AC/AWP/DP

For your files.

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,

Ex. 5 AC/AWP/DP

Please let me know if you need additional information.

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.

****

From: Susan Bodine

To: Claire Murray

Thru: Jeff Clark

Ex. 5 AC/AWP/DP

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 9/16/2019 6:57:52 PM
To: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Subject: RE: URGENT - for your review - Ex. 7(A) better versions

Thanks so much!

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

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Monday, September 16, 2019 2:12 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: URGENT - for your review - Ex. 7(A) -- better versions

Here you go.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Monday, September 16, 2019 1:56 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: Fwd: URGENT - for your review - Ex. 7(A) -- better versions

FYI ...
Begin forwarded message:

From: "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Date: September 16, 2019 at 1:39:25 PM EDT
To: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Cc: "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>
Subject: RE: URGENT - for your review - Ex. 7(A) **-- better versions**

Hi Mark,

Ex. 5 AC/AWP/DP

Matt

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Monday, September 16, 2019 8:57 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>

Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Re: URGENT - for your review - Ex. 7(A) -- better versions

Please let me know what you find out. The sooner the better.
Thanks,
-Mark

On Sep 13, 2019, at 3:23 PM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

Ex. 5 AC/AWP/DP what

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Friday, September 13, 2019 10:22 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Cc: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Re: URGENT - for your review - Ex. 7(A) -- better versions

Ok that's what I thought

By the way if true that suggests we don't need "pre approval" of this CJ
M
On Sep 13, 2019, at 10:01 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

Ex. 5 AC/AWP/DP

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Friday, September 13, 2019 9:52 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Fwd: URGENT - for your review - Ex. 7(A) - better versions

Hi guys

Do you know the answer?

-Mark

Begin forwarded message:

From: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>
Date: September 13, 2019 at 8:49:32 AM EDT
To: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Subject: FW: URGENT - for your review - Ex. 7(A) **-- better versions**

Mark, do you know the answer to Caroline's question Ex. 7(A)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, September 12, 2019 2:34 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: RE: URGENT - for your review - Ex. 7(A) -- better versions

Ex. 5 AC/AWP/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: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, September 12, 2019 2:24 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: URGENT - for your review - Ex. 7(A) - better versions

Having folks that know these cases review these now. Will get back to you very soon.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, September 12, 2019 12:55 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Subject: FW: URGENT - for your review - Ex. 7(A) -- better versions

Ugh, version control issues, because my computer kept crashing -- please look at these instead. Sorry!

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 12, 2019 12:42 PM
To: karen.dworkin@usdoj.gov
Subject: FW: URGENT - for your review - Ex. 7(A)

Karen --

Just forwarding the attached for a quick accuracy check (have asked the regional contacts to look over as well).
I believe (after some misunderstanding after the RC meeting Tuesday about Ex. 7(A) Ex. 7(A) that the request will be coming quite soon.
Thanks!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement

US Environmental Protection Agency
202-564-6012

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

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Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 9/9/2019 3:01:13 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: Draft SEPs State/Local Memo

It's weird, don't know how I got the two drafts but not the final, as well! In any case....close enough. Appreciate your looking, even as you "management meet!"

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Monday, September 09, 2019 10:59 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Ok that was all that I had

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Monday, September 09, 2019 10:51 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: Draft SEPs State/Local Memo

Thx for looking but there were some changes before it was final.

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: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Monday, September 09, 2019 10:38 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Draft SEPs State/Local Memo

Lookee what I found

From: Bodine, Susan <bodine.susan@epa.gov>
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/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) nd 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>

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 8/9/2019 6:33:10 PM
To: Porter, Amy [Porter.Amy@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: Re: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

No worries. Things are getting incrementally better here, and in between servicing "the client" (as we have begun to call her) I'm getting a boatload done! All ok on the regional front.

Sent from my iPhone

On Aug 9, 2019, at 9:41 AM, Porter, Amy <Porter.Amy@epa.gov> wrote:

> Caroline – I'm so sorry we couldn't hear you on the phone during the general yesterday. That is so frustrating for the one calling in! Thank you for this email and your voicemail. I am not aware of any
>
> Ex. 5 AC/DP
>
> Feel free to call me if you would like to discuss.
>
> Ex. 6 Personal Privacy (PP)
>
> And John, I think this is your neighborhood hunting trip (?) so I hope you are having a great time!
>
> Thanks
> Amy
>
> ---
>
> **From:** Makepeace, Caroline <Makepeace.Caroline@epa.gov>
> **Sent:** Thursday, August 08, 2019 2:33 PM
> **To:** Porter, Amy <Porter.Amy@epa.gov>
> **Cc:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
> **Subject:** FW: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"
>
> This is apparently about Ex. 7(A) and I was trying to raise it on the phone to see if there was some movement I was missing . Came in through the side door, through a request for a memo about state penalties and SEPs. I'm still trying to figure out what the regional staff position is...and what point he is trying to make.
>
> 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, August 08, 2019 2:30 PM
To: Bush, William <Bush.William@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Hmm, maybe I'm not following you properly, but it sounds like a few different issues might be getting conflated here (which is not surprising since they are definitely related!).
Minimum penalty amounts are one issue, and we look to the combined cash penalty amounts of federal and state penalties, in calculating whether the settlement includes the minimum $$ required under the SEP policy. I read the 2005 memo as instructions simply on how to describe the situation where the state can put its penalty into a fund to be used for a project or activity allowable under state laws. That's not the only way to enable a project that is State-only, since there are certainly projects a state wants to do and can, that we either would not accept or could not accept as a federal SEP. I'm not understanding this idea that all the penalty is a federal penalty. If that were true, the MRA would require that all the monies go to the federal treasury, and a state could not receive a share.
But it is true that there still needs to be an overall cash penalty that meets the minimum requirements in the SEP Policy, absent a waiver from the OECA AA. So, maybe the issue you are hashing out is just not

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

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

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From: Bush, William <Bush.William@epa.gov>
Sent: Wednesday, August 07, 2019 6:34 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Bush, William <Bush.William@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

What I am saying is that OECA's past position is that in a joint US/State settlement, the penalty in the settlement is the federal penalty - there is not a separate federal penalty and a separate state penalty. The state may get a portion of this federal penalty. And we have said that the federal penalty thus can only mitigated (lowered) by criteria in the EPA SEP Policy – meaning we have to have in the settlement the minimum penalty amount after mitigation (25% or 60% in muni settlements) and that the penalty may only be mitigated by SEPs that meet the federal SEP Policy criteria.
We have told states in the past that they cannot further mitigate (meaning lower) its portion of the federal penalty through a State SEP - otherwise, the settlement wouldn't then contain the minimum penalty amount. And we have said that none of the penalty may be mitigated by a project that is not consistent with the SEP criteria in our policy.
However, to provide some flexibility to allow states to accept additional projects, including those not consistent with our SEP Policy, OECA issued that 2005 memo that allows states, if allowed under state law, to take its portion of the federal penalty in the form of a project regardless of whether such project

meets our SEP Policy. The rationale for this is that total required federal penalty amount is still set forth in the settlement. See the Chattanooga CD as an example.

If we are now saying that a state can do whatever they want with its share of the federal penalty including further lowering the penalty with state projects, then rules on minimum penalty amounts go out the window and our penalty and SEP Policies would be somewhat meaningless.

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

If this still doesn't make sense, feel free to call me at 404-562-9538.

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, August 7, 2019 5:48 PM
To: Bush, William <Bush.William@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Hi Bill and Carol,
It's true that sometimes there are projects that a State under its independent authorities can accept as part of a settlement, which would not work, for one reason or another as a federal SEP. Or, it's a project that the State is interested in accepting, but we are not as keen. States often have more latitude under state law to do various types of projects and sometimes to accept funding to do work into certain state accounts of mechanisms. Once the State has determined that everything is allowable under state law and authority, we just want to make sure that the fact that it is a State SEP or project, under the state's authority, is made clear in the terms of the settlement documents. I wouldn't characterize these situation as penalty paid in form of a project, but rather as the state's part of the overall relief (e.g., State SEP to be delivered to State , penalty to be paid to state, etc.)
What's the context of this coming up?

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

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From: Bush, William <Bush.William@epa.gov>
Sent: Wednesday, August 07, 2019 5:11 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

From: Bush, William
Sent: Wednesday, August 7, 2019 5:11 PM
To: King, Carol <King.Carol@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

That's it!!

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, August 7, 2019 5:06 PM
To: Bush, William <Bush.William@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Maybe it's covered by the Kaplan/Pollins 2005 memo?

From: King, Carol
Sent: Wednesday, August 07, 2019 5:03 PM
To: Bush, William <Bush.William@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

https://www.epa.gov/enforcement/previous-supplemental-environmental-projects-guidance

I'm looking through EPA's previous SEP guidance (link above), but haven't seen the Walker Smith memo you're asking for yet. Caroline will know more than me about the SEP issues and what our current positions may or may not be.

My recollection is that this issue came up just recently in an Industrial Branch case that was discussed at a WED General with John Fogarty and others. I'll ask Ben if he remembers.

From: Bush, William
Sent: Wednesday, August 07, 2019 4:36 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: penalty paid in the form of a project; looking for the old Walker Smith memo that dictated that non-conforming SEP projects be characterized as penalty and "State Project"

Paragraph 30 of the Chattanooga CWA CD: Chattanooga shall make payment as directed by the State of fifty percent (50%) of the civil penalty due as follows: Chattanooga shall spend $238,200 on the State Project in accordance with, and as more particularly set forth in, Appendix D of this Consent Decree. TDEC has approved this payment as an appropriate State Project recognizing the value of the project and its potential to positively impact the local environment.

Message

From: Makepeace, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=27D7588025B3410F9C9459E6CF9C44A4-CMAKEPEA]
Sent: 3/13/2017 5:54:44 PM
To: Zimny, James [zimny.james@epa.gov]
Subject: Ex. 7(A)
Attachments:

I'm thinking it might be helpful to have you on this call (to help me understand the subtext and history, at the very least!) – what do you think?

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

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From: Ordonez, Efren
Sent: Monday, March 13, 2017 1:50 PM
To: Ex. 7(A) Debra Baker <dbaker@bakerwotring.com> Ex. 7(A)
Ex. 7(A)
Cc: Douglas, Nathaniel (ENRD) <Nathaniel.Douglas@usdoj.gov>; King, Carol <King.Carol@epa.gov>; Zimny, James <zimny.james@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>
Subject: Ex. 7(A)

Ex. 7(A)

Efren

From: Ex. 7(A)
Sent: Monday, March 06, 2017 4:18 PM
To: Nat Douglas <nathaniel.douglas@usdoj.gov>; Ordonez, Efren <Ordonez.Efren@epa.gov>; King, Carol <King.Carol@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Ex. 7(A) Debra Baker <dbaker@bakerwotring.com>; Ex. 7(A)
Ex. 7(A)
Subject: Ex. 7(A)

All –

Ex. 7(A)

Ex. 7(A)

Thanks,

Ex. 7(A)

The information contained above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately and do not copy or distribute the information.

Message

From: Porter, Amy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: 8/30/2019 6:34:38 PM
To: Amy Porter [Porter.Amy@epa.gov]
Subject: FW: SEP follow up

Karen – our comments seem fine

Ex. 5 AC/AWP/DP

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Thursday, August 29, 2019 4:48 PM
To: karen.dworkin@usdoj.gov; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: SEP follow up

Hi Karen,
These look pretty good, but we discussed with Susan and Larry and have some thoughts for tweaks.

Ex. 5 AC/AWP/DP

Re your other questions: Susan's talk with the Regions went well, in that, while people didn't like hearing about Jeff's view and the impact on judicial cases, they got the message. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Thursday, August 29, 2019 2:37 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: SEP follow up

Hi. I see Rosemarie is out today. Forwarding this for any info you have on the call yesterday, and any initial reactions to the below. Ex. 5 Attorney Client (AC) Karen.

From: Dworkin, Karen (ENRD)
Sent: Thursday, August 29, 2019 12:56 PM
To: 'Kelley, Rosemarie' <Kelley.Rosemarie@epa.gov>
Subject: time for a SEP follow up call today?

Would like to hear how Susan's call with Regions went, and what if anything Susan plans to raise with Jeff re SEPs in the call/meeting tomorrow. Ex. 5 Attorney Client (AC)

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

Ex. 5 AC/AWP/DP