Ex. 5 - Attorney Work Product

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From: Jessica Sharrow Thompson [mailto:JSharrow@eckertseamans.com]
Sent: Wednesday, September 06, 2017 8:53 AM
To: Cantello, Nicole <cantello.nicole@epa.gov>; Scott R. Dismukes <SDismukes@eckertseamans.com>
Cc: Marshall, Sarah <marshall.sarah@epa.gov>; Miller, Patrick <miller.patrick@epa.gov>; Rusty Davis <rdavis@shbellco.com>; John R. Bedeck <jbedeck@shbellco.com>; Smith, Molly <Smith.Molly@epa.gov>; McDaniel, Nicholas A. (ENRD) <Nicholas.A.McDaniel@usdoj.gov>; Mendoza, Stephen <mendoza.stephen@epa.gov>
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Hi Nicole –

We are working on your request, but we had a couple of follow-up questions for clarification:

1. For the July lab report request, are you seeking the filter-based lab reports for July for metals? Are you seeking the filter-based lab reports for PM10 mass as well for July? There are multiple lab reports for each month and not one consolidated lab report.

2. Are you seeking the flow verification statements from the BAMs (continuous monitors) or the Hi-Volume units (filter-based monitors)?

Thank you,

Jessica

Jessica Sharrow Thompson | Member

ECKERT SEAMANS CHERIN & MELLOTT, LLC

600 Grant Street • 44th Floor • Pittsburgh, PA 15219

Direct (412) 566.5941 | Mobile (412) 596.8909

jsharrow@eckertseamans.com

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From: Cantello, Nicole [mailto:cantello.nicole@epa.gov]
Sent: Tuesday, September 05, 2017 5:42 PM
To: Scott R. Dismukes
Cc: Marshall, Sarah; Miller, Patrick; Jessica Sharrow Thompson; Rusty Davis; John R. Bedeck; John M. Bell; Smith, Molly; McDaniel, Nicholas A. (ENRD); Mendoza, Stephen
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Scott:

This email requests that SH Bell send EPA the following:

(1) an update when we will receive the revised formatted data (specifically the March data that has all the qualifiers).

(2) the July lab report and flow verification statements from SH Bell.

Please provide this information by September 8, 2017.

Thank you.

Best,

Nicole Cantello

Attorney/Advisor

U.S. Environmental Protection Agency

77 West Jackson Boulevard

Chicago, Illinois 60604

312/886-2870

cantello.nicole@epa.gov

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From: Scott R. Dismukes [mailto:SDismukes@eckertseamans.com]
Sent: Tuesday, September 05, 2017 3:10 PM
To: Cantello, Nicole <cantello.nicole@epa.gov>
Cc: Marshall, Sarah <marshall.sarah@epa.gov>; Miller, Patrick <miller.patrick@epa.gov>; Jessica Sharrow Thompson <JSharrow@eckertseamans.com>; Rusty Davis <rdavis@shbellco.com>; John R. Bedeck <jbedeck@shbellco.com>; John M. Bell <jmbell@shbellco.com>; Smith, Molly <Smith.Molly@epa.gov>
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Nicole: Unfortunately not. I fly out of Pittsburgh tomorrow for business meetings through the end of the week, returning to Pittsburgh Friday evening. The meetings which produce this conflict are not the type where I can step out for an hour. I believe we remain available to meet with you in Chicago on the 14th or 15th of September as previously noted. In that regard I have out of town meetings on the 13th and 15th which I am holding off until I hear from you as to your respective alternative availability. Please let us know.

Scott R. Dismukes, Esquire

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From: Cantello, Nicole [mailto:cantello.nicole@epa.gov]
Sent: Tuesday, September 05, 2017 3:30 PM
To: Scott R. Dismukes
Cc: Marshall, Sarah; Miller, Patrick; Jessica Sharrow Thompson; Rusty Davis; John R. Bedeck; John M. Bell; Smith, Molly
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Hello Scott:

Molly Smith proposed a conference call for later this week. Please let us know if S.H Bell can attend. We can now have a call on the 6th, 7th or 8th. Let us know a good time.

Best,

Nicole Cantello

Attorney/Advisor

U.S. Environmental Protection Agency

77 West Jackson Boulevard

Chicago, Illinois 60604

312/886-2870

cantello.nicole@epa.gov

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From: Scott R. Dismukes [mailto:SDismukes@eckertseamans.com]
Sent: Wednesday, August 30, 2017 10:29 AM
To: Cantello, Nicole <cantello.nicole@epa.gov>
Cc: Marshall, Sarah <marshall.sarah@epa.gov>; Miller, Patrick <miller.patrick@epa.gov>; Jessica Sharrow Thompson <JSharrow@eckertseamans.com>; Rusty Davis <rdavis@shbellco.com>; John R. Bedeck <jbedeck@shbellco.com>; John M. Bell <jmbell@shbellco.com>; Smith, Molly <Smith.Molly@epa.gov>
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Nicole: I attempted to respond to your meeting notice but received a system error so I am now responding to the following 8/21 e-mail. Since the 17th of August I have been working at a client facility in a remote American territory. Upon arriving back this week I have been trying to resolve a scheduling conflict for September 7th or 8th. Unfortunately this morning I learned that I am not able to resolve that scheduling conflict and thus am unavailable to come to Chicago to meet on either the 7th or 8th of September. The S.H. Bell team does remain available for alternative meeting dates of September 14th or 15th. Please let us know Region 5's alternative availability in this regard, to meet and discuss the Notice of Violation. Thank you.

Scott R. Dismukes, Esquire

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From: Smith, Molly [mailto:Smith.Molly@epa.gov]
Sent: Monday, August 21, 2017 10:17 AM
To: Jessica Sharrow Thompson; Cantello, Nicole
Cc: Scott R. Dismukes; Marshall, Sarah; Miller, Patrick
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Jessica –

I have received your email. I will speak with the team. It may take me a day or two to respond.

Sincerely,

Molly Smith

Environmental Scientist

U.S. EPA Region 5

Air Enforcement and Compliance Assurance

Phone: (312) 353-8773

Fax: (312) 697-2724

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From: Jessica Sharrow Thompson [mailto:JSharrow@eckertseamans.com]
Sent: Monday, August 21, 2017 9:04 AM

To: Cantello, Nicole <cantello.nicole@epa.gov>
Cc: Scott R. Dismukes <SDismukes@eckertseamans.com>; Marshall, Sarah <marshall.sarah@epa.gov>; Smith, Molly <Smith.Molly@epa.gov>; Miller, Patrick <miller.patrick@epa.gov>
Subject: RE: S.H Bell NOV Meeting - Proposed Date and Time

Hi Nicole –

In response to my last email, I got your out-of-office saying that you would be out to 9/5 and wouldn't be able to check email.

Just bringing everyone else from your team in the loop on my email below as Scott Dismukes is out as well with no access to email and may have a potential conflict on 9/7.

- Jessica

Jessica Sharrow Thompson | Member

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jsharrow@eckertseamans.com

eckertseamans.com | bio | vCard

From: Jessica Sharrow Thompson

Sent: Monday, August 21, 2017 9:55 AM
To: 'Cantello, Nicole'
Cc: Scott R Dismukes
Subject: S.H Bell NOV Meeting - Proposed Date and Time

Hi Nicole –

I saw that you sent out a proposed date and time for the meeting on the S.H Bell NOV. As you may have gathered, Scott Dismukes is out of the office. He is currently working in a remote location in American Samoa with no access to cell or email due to the lack of coverage there. He will be back in the office on 8/28.

Can you suggest some additional dates EPA would be available for the meeting? Scott may have a potential conflict on 9/7, but we would not know for sure until he is back.

Thank you,

Jessica

Jessica Sharrow Thompson | Member

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