From: Jaikaran, Bianca
To: Sablatura, Brandi C (LDZX)
Subject: RE: Horton Iron & Metal Site/Special Notice Letter
Date: Thursday, August 15, 2019 9:22:00 AM
Attachments: image001.png

Hello Brandi,

We very much appreciated the information that Phillips 66 provided concerning W.R. Grace's liability at the Horton Site. While the EPA advanced the same arguments to W.R. Grace, you were able to provide additional support and evidence for these arguments. I took portions of your memo verbatim and added it to our memo to Grace, so thank you.

The EPA and DOJ will meet with W.R. Grace in person next week to begin negotiations in earnest concerning Grace's contribution to Site costs. I can provide more information after that time. Let's communicate again during the last week of this month.

Kind Regards,

Bianca N. Jaikaran
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA Region 4
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Atlanta, GA 30303-8931
Direct: 404.562.9680
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Jaikaran.Bianca@epa.gov

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From: Sablatura, Brandi C (LDZX) <Brandi.C.Sablatura@p66.com>
Sent: Thursday, August 15, 2019 8:31 AM
To: Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>
Subject: RE: Horton Iron & Metal Site/Special Notice Letter

Ms. Jaikaran,
I hope that the information that Phillips 66 provided related to W.R. Grace & Co. was helpful to EPA. I write to see if you can provide an update on the status of EPA's negotiations with the other PRPs, and, in particular, the status of EPA's negotiations with W.R. Grace.

While we appreciate very much EPA granting Phillips 66 a thirty-day extension to the deadline for our response to the Special Notice Letter, we consider addressing the issues with W.R. Grace at the outset essential to enabling Phillips 66 to formulate a meaningful, good-faith response to the Special Notice Letter. As such, I appreciate any information you can share with me on the progress of those negotiations.

Thank you for your consideration.

Brandi C. Sablatura
Senior Counsel

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From: Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>
Sent: Wednesday, July 24, 2019 10:05 AM
To: DeGeorge, R. Steven <SDeGeorge@robinsonbradshaw.com>
Cc: Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>
Subject: RE: Horton Iron & Metal Site/Special Notice Letter

WARNING: External Email

Mr. DeGeorge,

Thank you for your response on behalf of your client, Phillips 66, to the EPA's Special Notice Letter dated June 7, 2019. In the response, your client requested that the EPA resolve W.R. Grace's liability at the Site prior to beginning negotiations with Phillips 66, thus requiring an extension of the "good faith offer" deadline, currently set for August 5, 2019. The EPA is presently in negotiations with W.R. Grace. We are willing to provide a 30-day extension of the good faith offer deadline, to September 4, 2019, while we continue our discussion with W.R. Grace. At that time, the EPA expects further negotiations for the Consent Decree for RD/RA to occur simultaneously.

If your client has any additional information concerning W.R. Grace's liability at the Site, we would like to request that now, as it may aid in our negotiations.

Additionally, with reference to the PRP Search Report that was disclosed to your client, the EPA will further investigate the nature of the disclosure. Please be aware that the PRP Search Report is a first glance compilation of publicly available information and is not determinative of EPA's position on liability. Furthermore, Phillips 66 verified the facts as stated in the attached Administrative Order on Consent for RI/FS, signed by Jim R. Smith of Phillips 66 Company on July 13, 2012. Any evidence to the contrary should be provided to the EPA immediately.

Thank you,

Bianca N. Jaikaran
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From: DeGeorge, R. Steven <SDeGeorge@robinsonbradshaw.com>
Sent: Friday, July 12, 2019 7:01 PM
To: Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>
Subject: Horton Iron & Metal Site/Special Notice Letter

Ms. Jaikaran: As you requested, attached is Phillips 66's revised response to EPA's Special Notice Letter, without reference to the PRP Search Report ("Report"). Although Phillips 66 wishes to maintain its constructive relationship with EPA concerning the Horton site, we are not certain that EPA's disclosure of the Report was an inadvertent disclosure of attorney work product. Therefore, we plan to retain a copy of the Report for now, although we will not reference the Report in any outside communications until we resolve this issue. As we consider this question, we invite you to provide any authority you have supporting EPA's position. Please understand that Phillips 66 does not wish to be adversarial, but I'm sure you understand that it must protect its interests.

Thank you, and please call me if you have any further questions or concerns at this time.

R. Steven DeGeorge
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