From: Jaikaran, Bianca
To: Sablatura, Brandi C (LDZX)
Subject: RE: Horton Iron & Metal Site/Special Notice Letter
Date: Tuesday, July 30, 2019 6:13:00 PM
Attachments: image001.png

Thank you. Enjoy your vacation. This is very helpful to support our position with W.R. Grace.

Bianca N. Jaikaran
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303-8931
Direct: 404.562.9680
Fax: 404.562.8078
Jaikaran.Bianca@epa.gov

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From: Sablatura, Brandi C (LDZX) <Brandi.C.Sablatura@p66.com>
Sent: Tuesday, July 30, 2019 6:11 PM
To: Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>
Subject: RE: Horton Iron & Metal Site/Special Notice Letter

Yes, a hard copy of the letter and all of the enclosed exhibits is being overnighted to you. You should receive it tomorrow.

Please let me know if you have any questions.

Thank you,

Brandi C. Sablatura
Senior Counsel

O: (+1) 832.765.1260 | M: (+1) 281.827.6837
2331 CityWest Blvd. | Office N1351 | Houston, TX 77042

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From: Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>
Sent: Tuesday, July 30, 2019 5:05 PM
To: Sablatura, Brandi C (LDZX) <Brandi.C.Sablatura@p66.com>
Subject: [EXTERNAL]RE: Horton Iron & Metal Site/Special Notice Letter

Disregard my mistake – I see that the enclosures were included as a separate attachment in your email.

Thank you,

Bianca N. Jaikaran
Associate Regional Counsel
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From: Jaikaran, Bianca
Sent: Tuesday, July 30, 2019 6:04 PM
To: Sablatura, Brandi C (LDZX) <Brandi.C.Sablatura@p66.com>
Subject: RE: Horton Iron & Metal Site/Special Notice Letter

Thank you, Brandi.

I appreciate this timely information. Can I expect that the hard copy with contain additional documents that were referenced?

Bianca N. Jaikaran
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From: Sablatura, Brandi C (LDZX) <Brandi.C.Sablatura@p66.com>
Sent: Tuesday, July 30, 2019 4:32 PM
To: Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>
Subject: RE: Horton Iron & Metal Site/Special Notice Letter

Ms. Jaikaran:
Please see the attached correspondence, which is in response to the email you sent to Mr. DeGeorge on July 24. A hard copy will follow by overnight mail.

To help facilitate the flow of communication, going forward please copy me on all correspondence related to this matter that you send to Mr. DeGeorge.

Thank you,

Brandi C. Sablatura
Senior Counsel

O: (+1) 832.765.1260 | M: (+1) 281.827.6837
2331 CityWest Blvd. | Office N1351 | Houston, TX 77042

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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
Associate Regional Counsel
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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
Robinson Bradshaw

t : 704.377.8380 | f : 704.373.3980
101 N. Tryon St., Suite 1900
Charlotte, NC 28246

sdegeorge@robinsonbradshaw.com | Bio
robinsonbradshaw.com

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