From:	Jaikaran, Bianca
To:	DeGeorge, R. Steven
Cc:	Mann, Valerie (ENRD)
Subject:	RE: Horton Iron & Metal Site/Special Notice Letter
Date:	Wednesday, July 24, 2019 10:04:00 AM
Attachments:	Horton.AOC.RIFS.9.10.2012.pdf image001.png

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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