To: Lauren Charney/R2/USEPA/US@EPA[]
Cc: "McCreary, Jean" [JMcCreary@nixonpeabody.com]
From: "McCreary, Jean"
Sent: Fri 11/6/2009 6:29:56 PM
Subject: RE: FW: Lower Ley Creek Subsite

Thank you for that offer, Lauren. I have reached out to the counsel listed to see if there is interest. Please note, you have the e-mail address for me in the letter and your message below as "jgreenthal@nixonpeabody.com." He is not handling this matter and my e-mail address is jmccreary@nixonpeabody.com -- which should be reflected on all mailing/distribution lists. We would hope that you would discuss any technical basis EPA has for deeming this a sub-site even if "nexus" information relating to the parties is not a permitted topic of discussion, given that there is insufficient time in the 14-day response window you provided to make a FOIL/FOIA request. Jean

-----Original Message-----
From: Charney.Lauren@epamail.epa.gov
[mailto:Charney.Lauren@epamail.epa.gov]
Sent: Friday, November 06, 2009 1:16 PM
To: McCreary, Jean
Subject: Re: FW: Lower Ley Creek Subsite

Hi Jean,

I apologize for not responding sooner. I was away at a training all week with limited email access. All 8 of the PRPs listed in the letter received notice letters for Lower Ley Creek. Not all of the recipients were listed as addressees on the letter you received because two different letters were sent out (one went to owners/arrangers and another to just arrangers). EPA is set to conduct some preliminary sampling in November (not conduct the entire RI/FS). The purpose of the notice letter was to give PRPs the opportunity to fund or perform the RI/FS. I'd be happy to arrange a conference call next week with all the PRPs who received these letters to discuss whether any party (or parties) would be interested in performing or funding the RI/FS--however, will not discuss nexus issues on such a call. Please let me know if this is of interest to you and I'll arrange a date/time.

The names and addresses of the PRPs who received the notice letter for Lower Ley Creek are as follows (please note, GM's notice letter was sent to Laura Romeo, but I have since learned that, due to the GM bankruptcy, Jim Redwine should now be the contact. I do not have his address, but his telephone number is 212-906-2146):

Laura L. Romeo, Esq.
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Manufacturing Labor & Environmental
WFG Business Unit Counsel-MC-482-C24-D24
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"McCreary, Jean"
<JMcCreary@nixon
peabody.com> To
Lauren Charney/R2/USEPA/US@EPA
11/04/2009 10:39 cc

PM "McCreary, Jean"
<JMcCreary@nixonpeabody.com>
Subject
FW: Lower Ley Creek Subsite

Lauren, would you please send me the full list of addressees for the Lower Ley Creek letter? My letter was missing page 4. I would like to be able to reach out to all of the counsel to whom the letter was sent (I assume all are in the Onondaga Lake site list, but wanted to confirm) in case there is a desire for counsel to collectively discuss the letter.

Other than the cost information, is there any technical information regarding this site that you can provide?

Also, the letter seeks a response in 14 days of receipt but also says that "work will begin in November" which suggests that a decision has been made by EPA to proceed notwithstanding any response from the noticed parties (especially given how long it takes to get contracts in place, etc.). Is it still EPA's intention to begin work in November or is this a carryover from an earlier draft of the letter? Syracuse China did not get the letter until November 2....

Thanks very much.

Jean H. McCreary
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