To: "McCreary, Jean" [JMcCreary@nixonpeabody.com]
Cc: []
Bcc: []
From: CN=Lauren Charney/OU=R2/O=USEPA/C=US
Sent: Mon 11/9/2009 6:56:49 PM
Subject: RE: FW: Lower Ley Creek Subsite

Jean,

I am confirming the date and time with the necessary parties here at EPA and will let you know once I hear from them. In case you don't have this information, new GM contact is:

James Redwine
Vice President, Environmental
Motors Liquidation Company
Mail Code 482-C37-A99
300 Renaissance Center
Detriot, MI 48265
jredwine@alixpartners.com
214-906-2146

Regards,

Lauren P. Charney
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel, EPA Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3181
Fax: 212-637-3104

"McCreary, Jean" <JMcCreary@nixonpeabody.com>
11/06/2009 04:02 PM
To Lauren Charney/R2/USEPA/US@EPA
cc "McCreary, Jean" <JMcCreary@nixonpeabody.com>, "Frank C. Pavia" <fpavia@HarrisBeach.com>, <Keith.Odenweller@CooperIndustries.com>, <RCapozza@hblaw.com>, <KMurphy@WladisLawFirm.com>, <Kathleen.McFadden@UTC.COM>, <haustin@hancocklaw.com>, <LuisMendez@ongov.net>, <Gary.Gengel@lw.com>, <kovacsa@libbey.com>
Subject RE: FW: Lower Ley Creek Subsite

Lauren, I have received responses from enough of the folks listed above expressing interest in a call with EPA regarding this sub-site to convene the call. Given the availability that has been expressed to me, the best days are Wednesday or Thursday before noon, and we have assumed Wednesday may be a holiday (Veterans's Day) for some governmental parties, so we ask that you try to set the call up between 9-12 on

Thursday, November 12, and advise the persons copied. Thanks very much.

[I have not been able to reach the GM contact, so if you have an e-mail for Ms. Roma, please include her in your distribution of any call-in information].

Jean McCreary

-----Original Message-----
From: McCreary, Jean
Sent: Friday, November 06, 2009 1:30 PM
To: 'Charney.Lauren@epamail.epa.gov'
Cc: McCreary, Jean
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.
General Motors Legal Staff
Manufacturing Labor & Environmental
WFG Business Unit Counsel-MC-482-C24-D24
300 Renaissance Center
P.O. Box 300
Detroit, Mi 48265- 3000

Keith H.Odenweller, Esq.
Associate General Counsel
Cooper Industries
600 Travis Street, Suite 5600
Keith.Odenweller@CooperIndustries.com

Richard R. Capozza, Esq. (National Grid)
Hiscock & Barclay, LLP
1 Park Place
300 South State Street
Syracuse, NY 13202-2078
rcapozza@hblaw.com

Kevin C. Murphy, Esq. (Onondaga County)
Wladis Law Firm, P.C.
5795 Widewaters Pkwy
Syracuse, N.Y. 13214
kmurphy@wladislawfirm.com

Frank C. Pavia, Esq. (Town of Salina)
Harris Beach PLLC
99 Garnsey Road
Pittsford, NY 14534
fpavia@harrisbeach.com

Kathleen McFadden, Esq.
Corp Carrier. c/o UTC
One Financial Plaza; M/S 524- Legal
Hartford, Connecticutt 06101
Kathleen.mcfadden@utc.com

Holly K. Austin, Esq. (Oberdorfer)
Hancock & Estabrook, LLP
1500 AXA Tower 1, 100
Syracuse, New York 13202
hastin@hancocklaw.com

Jean McCreary, Esq.
Nixon Peabody LLP
1100 Clinton Square
Rochester, New York 14604
jgreenthal@nixonpeabody.com

OnondagaLake_0000821_0003

"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
Partner
Nixon Peabody LLP
1100 Clinton Square
Rochester, NY 14604
P (585) 263-1611
C (585) 281-7098
F (866) 743-0241
jmccreary@nixonpeabody.com

www.nixonpeabody.com

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