From: Madonia, Joseph
To: Chiccine, Catherine
Cc: rachel hankey; Susan Knowles; Mark Leadlove
Subject: Re: [EXTERNAL]FW: City of St. Charles / Ameren Access Issues
Date: Tuesday, December 13, 2022 6:10:09 PM

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11 works for me

Sent from my iPhone

On Dec 13, 2022, at 4:31 PM, Chiccine, Catherine <chiccine.catherine@epa.gov> wrote:

Thanks for the update, Joe. It looks like Rachel and I are available between 11-12 and 1-4 central tomorrow (Dec 14). Do you all have any availability then? Let me know what works for you and I can circulate an invite.

Cathie Chiccine | Attorney-Advisor
United States Environmental Protection Agency, Region 7
913.551.7917 | 11201 Renner Boulevard, Lenexa, Kansas 66219
chiccine.catherine@epa.gov

From: Madonia, Joseph <Joseph.Madonia@btlaw.com>
Sent: Tuesday, December 13, 2022 12:39 PM
To: Chiccine, Catherine <chiccine.catherine@epa.gov>; rachel hankey <Rachel.Hankey@usdoj.gov>
Cc: Susan Knowles <sknowles@ameren.com>; Mark Leadlove <mbleadlove@bclplaw.com>; Madonia, Joseph <Joseph.Madonia@btlaw.com>
Subject: Fwd: [EXTERNAL]FW: City of St. Charles / Ameren Access Issues

Cathy and Rachel - below and attached are emails and two draft documents that will update you on the continuing obstacles that are preventing Ameren from accessing City property. The City's new position is that Ameren will be granted access to City property to fulfill our EPA-mandated monitoring obligations only if the City is allowed access to our substation for some sort of environmental investigation. We believe that this is an unreasonable, irrelevant, unrealistic and unlawful demand that the Superfund process does not allow. Let's discuss at your earliest convenience. Thanks.

Sent from my iPhone

Begin forwarded message:

From: Mark Leadlove <mbleadlove@bclplaw.com>
Date: December 12, 2022 at 7:03:40 PM CST
To: "Madonia, Joseph" <Joseph.Madonia@btlaw.com>, "Knowles, Susan B" <SKnowles@ameren.com>, Renee Cipriano <rciplaw22@yahoo.com>
Subject: [EXTERNAL]FW: City of St. Charles / Ameren Access Issues

Hi, these drafts just received. I have not reviewed. Thanks.

Mark

<~WRD2593.jpg>

MARK LEADLOVE
Partner and Co-Leader of Business & Commercial Disputes Practice Group
BRYAN CAVE LEIGHTON PAISNER LLP - St. Louis, MO USA
mbleadlove@bclplaw.com
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From: Portia Kayser <pkayser@harrisdowell.com>
Sent: Monday, December 12, 2022 7:01 PM
To: Mark Leadlove <mbleadlove@bclplaw.com>
Subject: RE: City of St. Charles / Ameren Access Issues

Mark,

I am attaching two access agreements, one for Ameren access to City property and a mirrored agreement for City access to the Ameren substation. Please review and advise of your client's position.

While it is not productive to argue about who has been obstructionist in this process, I am compelled to remind you that the City specifically granted Ameren access to conduct testing in November and Ameren unilaterally chose not to conduct the testing without any prior notice to the City. Ameren has not sought testing access since despite the City expressly requesting testing be continued. Frankly, the rhetoric needs to stop and action needs to begin.

I remain hopeful that you and I can work together to help our clients cooperatively get to the bottom of the source of the contamination and how to remediate it for the health and safety of the citizens.

Thank you,
Portia

Portia C. Kayser | Partner
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Office: (636) 532-0300 | Direct (314) 735-2288
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Email: pkayser@harrisdowell.com Website: www.harrisdowell.com

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From: Mark Leadlove <mbleadlove@bclplaw.com>
Sent: Friday, December 9, 2022 7:58 AM
To: Portia Kayser <pkayser@harrisdowell.com>
Subject: RE: City of St. Charles / Ameren Access Issues

Portia,

I appreciate your efforts to facilitate access issues for Ameren's proposed environmental work, and I look forward to receiving a draft license agreement from the City. Unfortunately, another week has passed since our last exchange with no draft document. Frankly, it appears to Ameren that the City is using the access issues to delay the EPA's and Ameren's environmental review. We have been waiting for weeks for the City to respond to Ameren's proposal for this relatively simple access agreement to replace one that had been in effect for the prior decade. The City still has not responded, aside from its denial of Ameren requests for access. In the meantime, the City continues to publically assert that the lack of environmental progress somehow is Ameren's fault.

The City now appears to be raising similar access issues with the EPA. It is our understanding that the City recently refused to allow the EPA to start the environmental investigation on City property, as discussed in the EPA's recent public statement. The City's strategy appears to be a misguided effort to pursue some agenda other than protection of the environment. The City cannot seriously express concern about the health and safety of St. Charles residents, yet take steps to hinder review of the putative health issues.

Ameren has always expressed a desire to cooperate with the City to achieve

mutual goals of determining the source of any contamination. To that end, in addition to promptly receiving a draft of the proposed license agree to permit Ameren access, Ameren would like to schedule a meeting among counsel to help finalize any such agreement and to discuss any other matters that might be mutually beneficial to the City and Ameren. Although not my favorite time of year for a meeting, I have good availability the week of December 19 and the week of December 26.

-Mark

<~WRD2593.jpg>

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From: Portia Kayser <pkayser@harrisdowell.com>
Sent: Friday, December 2, 2022 9:56 AM
To: Mark Leadlove <mbleadlove@bclplaw.com>
Subject: RE: City of St. Charles / Ameren Access Issues

Mark,

My apologies for not getting back with you. I have not been in the office much the past 3 weeks. The City is finalizing the proposed access agreement and advises that they will have the proposed document to me early next week to circulate to you.

Have a great weekend.

Portia C. Kayser | Partner
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Email: pkayser@harrisdowell.com Website: www.harrisdowell.com

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From: Mark Leadlove <mbleadlove@bclplaw.com>
Sent: Friday, December 2, 2022 9:45 AM
To: Portia Kayser <pkayser@harrisdowell.com>
Subject: City of St. Charles / Ameren Access Issues

Hi, Portia,

This follows-up on the two voice mail messages I have left for you, one immediately before Thanksgiving and the other earlier this week. We last spoke in earlier November. Based on our earlier call, I understood the City of St. Charles to be willing to discuss with Ameren a renewed license agreement to allow Ameren access to its piezometer wells in the rights-of-way. I also understood that the City would be sending a proposed draft to me and that someone “in-house” at the City would be sending me a draft. I have not yet been contacted by anyone at the City regarding this matter. Can you please let me know the status of the proposed draft license agreement?

I understand this may be out of your hands, so if that is the case, if you would provide me contact information of the appropriate counsel, I am happy to reach out directly to them.

Thank you.

Mark

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