Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/15/2018 6:43:12 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport SEPs and Appendix B
Attachments: 3EZ5262-Ltr to Vagelatos & Murphy w at.pdf; Northport Appendix B_June 2018.docx

Hi Phyllis Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, Kara

From: Mann, Katherine
Sent: Tuesday, June 12, 2018 4:06 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport SEPs and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/21/2018 1:24:10 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Attachments: NorthportCD_approvalmemo_08-21-2018.docx; Northport SEP Memo Draft_August 21 2018.docx

Hi Phyllis –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/9/2017 7:13:31 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: URGENT NORTHPORT -
Attachments: Northport - Consent Decree_DRAFT_08JUNE2017_kmann_09JUNE2017R2ORC.docx

HI Phyllis – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)** THANK YOU!!!

Message

From: Green, Katherine [Green.Katherine@epa.gov]
Sent: 7/25/2019 4:08:32 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: RE: Village of Northport
Attachments: Ex. 5 - Attorney-Client (AC)

Hi Deborah,

Ex. 5 - Attorney-Client (AC)

Katherine

Katherine Green
Water Compliance Branch
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226
green.katherine@epa.gov

From: Zwany, Deborah (USANYE) [mailto:Deborah.Zwany@usdoj.gov]
Sent: Thursday, July 25, 2019 11:25 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Village of Northport

Ex. 5 AC/AWP/DP

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office

Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 8/13/2018 5:22:42 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Young, Sarah [young.sarah@epa.gov]
Subject: Re: Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great job.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you!

Justine

On Aug 13, 2018, at 10:38 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Justine and Katherine –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks so much

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2018 4:50:41 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport CJ

FYI – hopefully we'll hear from John soon.

From: Modigliani, Justine
Sent: Friday, June 08, 2018 12:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Fwd: Northport CJ

Thanks for keeping on top of John, Kara. Let's hope he's reached out to Stuart, or this reminder inspires him to do so today.

Justine

Begin forwarded message:

> **From:** "Murphy, Kara" <Murphy.Kara@epa.gov>
> **Date:** June 8, 2018 at 12:10:12 PM EDT
> **To:** "John.Vagelatos@usdoj.gov" <John.Vagelatos@usdoj.gov>
> **Cc:** "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "Mann, Katherine" <Mann.Katherine@epa.gov>, "Murphy, Kara" <Murphy.Kara@epa.gov>
> **Subject: RE: Northport CJ**
>
> Hi John - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)** Thanks
>
> -----Original Message-----
> From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> Sent: Thursday, May 31, 2018 3:54 PM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
> Subject: Re: Northport CJ
>
> Thanks
> I am traveling back **Ex. 6 - Personal Privacy (PP)**
> I will try to call you, connections permitting.
>
> Sent from my iPhone
>
> On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi John -
>
> **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/29/2018 9:03:19 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Kara's Cases While Away
Attachments:

Ex. 5 Attorney Client (AC)

Hi Phyllis –

Here is the list of cases that may need attention while I'm gone.

Ex. 5 - Attorney-Client (AC)

Ex. 5 - Attorney-Client (AC)

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/21/2018 9:01:24 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport
Attachments: Northport - Consent Judgment (DRAFT 2018-12-20).docx

FYI

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, December 20, 2018 6:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Northport

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, December 19, 2018 11:45 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John – I just left you a voicemail. **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)** Thank you!

From: Murphy, Kara
Sent: Tuesday, December 04, 2018 3:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John – I **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 1:42 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 7/11/2018 8:50:20 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Northport SEP Memo

No problem.

Sent from my iPhone

On Jul 11, 2018, at 4:48 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Hi Justine - Since Kara is out until the end of the month, and Katherine Mann is out through 7/20, can

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Young, Sarah
Sent: Wednesday, July 11, 2018 9:57 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Northport SEP Memo

Hi Phyllis,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
Sarah

<Northport SEP Memo Draft.docx>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/9/2018 7:53:47 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport
Attachments: D Laposta e-mail 1.pdf; ATT00001.htm

FYI

From: McKenna, Douglas
Sent: Thursday, August 09, 2018 9:19 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Fwd: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Begin forwarded message:

From: "LaPosta, Dore" <LaPosta.Dore@epa.gov>
To: "McKenna, Douglas" <McKenna.Douglas@epa.gov>, "Anderson, Kate" <Anderson.Kate@epa.gov>, "Chiang, Johnny" <Chiang.Johnny@epa.gov>
Subject: Fwd: Northport

Sent from my iPhone

Begin forwarded message:

From: "Soltani, Beth" <Soltani.Beth@epa.gov>
To: "LaPosta, Dore" <LaPosta.Dore@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/27/2018 12:15:48 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Consent Judgment - Northport
Attachments: 11.15,2018 Northport consent judgment (002).docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thoughts?

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, November 21, 2018 5:13 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Consent Judgment - Northport

Kara,

Ex. 5 Attorney Client (AC)

Have a happy Thanksgiving and let's talk next week.

Best,

John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/6/2018 3:16:00 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - State Update, etc

FYI

From: Murphy, Kara
Sent: Thursday, April 05, 2018 11:24 AM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - State Update, etc

Hi John –

Ex. 5 Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Chiang, Johnny [Chiang.Johnny@epa.gov]
Sent: 7/22/2019 8:17:00 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Geliga, Jaime [Geliga.Jaime@epa.gov]; Gonzalez, Eduardo [Gonzalez.Eduardo@epa.gov]; Gorman, John [Gorman.John@epa.gov]; Jordan-garcia, Carolina [Jordan-Garcia.Carolina@epa.gov]; Khoury, Lynn [Khoury.Lynn@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Malone, Kathleen [Malone.Kathleen@epa.gov]; Mcgarry, Barbara [McGarry.Barbara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Rodriguez, Nancy [Rodriguez.Nancy@epa.gov]; Rodriguez, Teresita [Rodriguez.Teresita@epa.gov]; Rutherford, Nancy [Rutherford.Nancy@epa.gov]; Sawyer, William [Sawyer.William@epa.gov]; Schulz, Susan [Schulz.Susan@epa.gov]; Torres, Ramon [Torres.Ramon@epa.gov]; Velez, Hector [Velez.Hector@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Voo, Leonard [Voo.Leonard@epa.gov]; Sullivan, James [Sullivan.James@epa.gov]
CC: LaPosta, Dore [LaPosta.Dore@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Font, Jose [Font.Jose@epa.gov]
Subject: RE: Revised Docket Notes for 7.23.19 Docket Meeting
Attachments: Ex. 5 AC/DP

Hi everyone,

Ex. 5 DP/AC/AWP

From: Chiang, Johnny
Sent: Monday, July 22, 2019 1:56 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Geliga, Jaime <Geliga.Jaime@epa.gov>; Gonzalez, Eduardo <Gonzalez.Eduardo@epa.gov>; Gorman, John <Gorman.John@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>; Khoury, Lynn <Khoury.Lynn@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Malone, Kathleen <Malone.Kathleen@epa.gov>; Mcgarry, Barbara <McGarry.Barbara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Rodriguez, Teresita <Rodriguez.Teresita@epa.gov>; Rutherford, Nancy <Rutherford.Nancy@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schulz, Susan <Schulz.Susan@epa.gov>; Torres, Ramon <Torres.Ramon@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Sullivan, James <Sullivan.James@epa.gov>
Cc: LaPosta, Dore <LaPosta.Dore@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Guerrero, Carmen <guerrero.carmen@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Subject: Updated Docket Notes for 7.23.19 Docket Meeting

Hi everyone,

Attached are all the updated notes and agenda. I updated the dates and/ or file names for these notes to reflect the latest versions.

The Docket meeting is tomorrow starting at 10 am (EST). Thanks to everyone for their help on the updates.

Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Division of Enforcement and Compliance Assistance

290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

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Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Enforcement & Compliance Assurance Division
290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

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Message

From: Mann, Katherine [Mann.Katherine@epa.gov]
Sent: 6/13/2018 5:49:09 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport - RA Briefing Memo
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Kara!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Wednesday, June 13, 2018 12:49 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - RA Briefing Memo

Hi Katherine – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks!

From: Mann, Katherine
Sent: Wednesday, June 13, 2018 11:53 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport - RA Briefing Memo

Hi all,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
Katherine

From: Murphy, Kara
Sent: Tuesday, June 12, 2018 5:33 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - RA Briefing Memo

Hi Katherine –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Schaaf, Eric [Schaaf.Eric@epa.gov]
Sent: 12/19/2018 9:01:16 PM
To: Mugdan, Walter [Mugdan.Walter@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: Proposed settlement -- Northport (for RA)
Attachments: Northport Final Briefing Paper 12-19-2018.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Eric

Pete --

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/31/2018 7:06:17 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport CJ
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI

From: Murphy, Kara
Sent: Thursday, May 31, 2018 2:31 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport CJ

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/22/2017 11:59:07 AM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC), AWP

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC), AWP

I will be in the office tomorrow, Friday, and reachable by email next week.

Ex. 6 - Personal Privacy (PP)

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 12/19/2018 7:44:41 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Khoury, Lynn [Khoury.Lynn@epa.gov]
Subject: Northport - for RA
Attachments: Northport Final Briefing Paper 12-19-2018.docx

Phyllis – thanks.

Lynn – pls print this email and the attachment for Eric.

Eric – can you please send the following email and the attached Word document to Pete and cc Chris, Walter, Dore and us? Thanks

Pete --

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Eric

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/9/2018 4:03:37 PM
To: Fischer, Lauren [Fischer.Lauren@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Cohen, Mitchell [cohen.mitchell@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE:
Attachments: Northport Status August 9 2018.docx

See the attached. Hope this helps. Thanks

From: Fischer, Lauren
Sent: Thursday, August 09, 2018 11:42 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Lauren Fischer
Assistant Regional Counsel
U.S. Environmental Protection Agency Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
Tel: (212) 637-3231
Fax: (212) 637-3202

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 6/13/2018 12:53:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport SEPs and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, June 13, 2018 8:47 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Mann, Katherine
Sent: Wednesday, June 13, 2018 8:35 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport SEPs and Appendix B

Thanks, Kara.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Tuesday, June 12, 2018 6:59 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport SEPs and Appendix B

HI Katherine – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Mann, Katherine
Sent: Tuesday, June 12, 2018 4:06 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport SEPs and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/30/2018 6:35:13 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Update

Ex. 5 AC/AWP/DP

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/8/2018 9:16:29 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - Consent Judgment for EPA Discussion
Attachments: Northport - Consent Judgment (DRAFT 2018-03-08)(Reflecting DOJ edits).docx

FYI –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Ex. 5 AC/AWP/DP

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 08, 2018 3:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport - Consent Judgment for EPA Discussion

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I am available and happy to discuss today or tomorrow. **Ex. 6 - Personal Privacy (PP)**

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/4/2018 3:34:42 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Huh?

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:13 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Newly Proposed SEP

Hi Kara –
Happy to talk, and I could do it after 1:30 (actually to be safer, after 1:45, in case the 1pm call goes long, but if 1:30 is your best time, grab that). Just send me a meeting request so it gets held on the calendar.

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 10:01 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>

Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

I hope you are well and getting better weather than we are in NYC.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let me know if you have some time today to discuss. If not, please let me know what your availability is next week.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/19/2018 2:50:23 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - RA Briefing
Attachments: Briefing Paper_Northport (for RA briefing)_12-13-2018.docx

Hi Phyllis – Maybe this went to your junk mail? Here it is again. Thanks

---

From: Murphy, Kara
Sent: Friday, December 14, 2018 7:02 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - RA Briefing

Hi Phyllis – Happy reading. Thanks, Kara

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/11/2019 3:27:16 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: RE: Village of Northport - SEP language changes to reflect our discussion on June 27 2019

Hello all,

Ex. 5 - Attorney-Client (AC)

Have a good weekend!

Deborah

-----Original Message-----
From: Zwany, Deborah (USANYE)
Sent: Wednesday, July 3, 2019 2:44 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Village of Northport - SEP language changes to reflect our discussion on June 27 2019

All,

Ex. 5 - Attorney-Client (AC)

Have a great 4th.

Deborah

-----Original Message-----
From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, July 3, 2019 8:01 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Re: Village of Northport - SEP language changes to reflect our discussion on June 27 2019

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

> On Jul 2, 2019, at 7:05 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
>> On Jul 2, 2019, at 4:35 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>
>> Thank you all. Happy 4th!
>>
>> -----Original Message-----
>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>> Sent: Tuesday, July 2, 2019 4:14 PM
>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
>> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>> Subject: Re: Village of Northport - SEP language changes to reflect our discussion on June 27 2019
>>
>> Thanks very much. Hope you all have a great 4th.
>>

>> On Jul 2, 2019, at 4:05 PM, Makepeace, Caroline
<Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>> wrote:
>>
>> Hi all,
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>
>> Have a great holiday and weekend!
>>
>> Caroline Makepeace
>> Senior Counsel
>> Office of Civil Enforcement
>> US Environmental Protection Agency
>> 202-564-6012
>>
>> This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.
>>
>> From: Feinmark, Phyllis
>> Sent: Monday, July 01, 2019 10:42 AM
>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: RE: Village of Northport - SEP language changes to reflect our discussion on June 27 2019
>>
>> Thank you, Caroline. Ex. 6 - Personal Privacy (PP)
>>
>> From: Makepeace, Caroline
>> Sent: Monday, July 1, 2019 10:09 AM
>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: Re: Village of Northport - SEP language changes to reflect our discussion on June 27 2019
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>> Sent from my iPhone
>>
>> On Jul 1, 2019, at 9:51 AM, Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>
>> From: Makepeace, Caroline
>> Sent: Monday, July 1, 2019 9:41 AM
>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: Re: Village of Northport - SEP language changes to reflect our discussion on June 27 2019
>>
>> Thanks! Ex. 6 - Personal Privacy (PP)
>> Sent from my iPhone
>>
>> On Jul 1, 2019, at 8:38 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>> Of course! Ex. 6 - Personal Privacy (PP) I'm around. I believe Katherine is as well. Thanks
>>
>> From: Makepeace, Caroline
>> Sent: Monday, July 01, 2019 8:17 AM
>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>> Subject: Re: Village of Northport - SEP language changes to reflect our discussion on June 27 2019
>>
>> Hi Kara and Katherine,

>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP) and I can get to your draft in the afternoon, but if not, would tomorrow be okay?
>> Sent from my iPhone
>>
>> On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>> Hi Caroline –
>>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>> Please let us know if you want to discuss today, or if you prefer to discuss on Monday, Katherine and I are available. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>> Thanks
>>
>> Kara E. Murphy
>> Assistant Regional Counsel
>> U.S. EPA, Region 2
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> (212) 637-3211 (Phone)
>> (212) 637-3202 (Fax)
>>
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>>
>> <image001.png>
>>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 11/21/2018 12:59:46 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport Update

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 21, 2018, at 7:21 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/3/2018 4:17:45 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport CJ
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Thursday, August 02, 2018 5:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport CJ

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Silverman, Matthew (USANYE) [mailto:Matthew.Silverman@usdoj.gov]
Sent: Thursday, August 2, 2018 5:06 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Northport CJ

Hi Phyllis, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
Matt

Matthew Silverman
Assistant U.S. Attorney
Eastern District of New York
271 Cadman Plaza East, 7th Fl.
Brooklyn, NY 11201
Tel: 718-254-6409
Fax: 718-254-6081

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/29/2017 2:35:00 PM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.pdf

Thanks John. Please see the attached.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, September 28, 2017 4:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On a related note, do you have a scanned version of Northport's supplemental SEP submission.
I have a scanned version of the Feb. 2, 2017 letter, but need to forward any additional SEP materials.

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

MMP&S
MILBER MAKRIS PLOUSADIS & SEIDEN, LLP
ATTORNEYS AT LAW
1000 WOODBURY ROAD SUITE 402 WOODBURY, NY 11797
TELEPHONE: 516.712.4000 FAX: 516.712.4013
HTTP://WWW.MILBERMAKRIS.COM

February 2, 2017

U.S. Department of Justice
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Attention: John Vagelatos, Assistant United States Attorney Civil Division

Kara E. Murphy, Asst Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007

Re: Incorporated Village of Northport

This memorandum provides information regarding a proposed Supplemental Environmental Project (SEP) consisting of stormwater retention area/rain gardens to be constructed throughout the Village of Northport. The Incorporated Village of Northport is providing this information to assist in the preparation of a Consent Agreement/Final Order for the above referenced matter.

BACKGROUND: On or about August 10, 2016, after several initial meetings the Incorporated Village of Northport retained the engineering firm of Nelson Pope and Voorhisto to conduct and assess how to significantly reduce pollutant loads to Northport Harbor that are caused by storm water runoff.

SEP DESCRIPTION: The project will 1) identify the areas within the Village which contributes the most significant volumes of stormwater runoff and the greatest pollutant loads to Northport Harbor; 2) identify the drainage improvements based on the findings in number one; and 3) implement projects such as rain gardens and additional storm drains to significantly reduce the amount of pollutant loads that enter Northport Harbor due to storm water runoff.

COMPLIANCE WITH EPA SEP POLICY: For the reasons set forth below, the Village of Northport believes the proposed SEP meets the criteria contained in the EPA's SEP policy.

The proposed SEP will protect the environment and more specifically Northport Harbor which leads into the Long Island Sound. Additionally, this project is being conducted on a voluntary basis. The Village of Northport believes that this project would fit within the "Pollution Prevention" and "Environmental Restoration and Protection" categories of the SEPs, and given its focus on mitigating the pollutant impact of storm water, it serves to reduce the impact to the environment to which the alleged violations contribute. Furthermore, the project is consistent with similar SEP ideas that EPA identified as noteworthy. As previously noted the project will be broken down in 3 phases.

WOODBURY, NEW YORK ■ WHITE PLAINS, NEW YORK
NEW JERSEY ■ CONNECTICUT ■ FLORIDA

Phase I Sub-watershed Assessment: Using LIDAR topography for the Village, delineate the stormwater contributing areas and gather information on current stormwater conveyance through the Village. Within each sub-watershed calculate the existing stormwater volumes under typical and heavy rainfall conditions. Using NYSDEC accepted models perform a pollutant load analysis to identify the subwatersheds with the largest pollutant loads to the Northport Harbor. Perform a computer and field analysis to evaluate potential drainage improvement locations within the Village of Northport.

COMPLETION DATE/COMMUNITY INVOLVEMENT/COST:

The date of the anticipated completion of Phase I isis July 2017. The recommendations proposed by the engineers will be presented to the Village Board and to the public at large to gather public input on the proposed recommended improvements. The estimated cost for phase I is the sum of $12,000.00. The cost is based on the fees as presented by Nelson Pope & Voorhis, LLC., the engineers on the project.

PHASE II: Development of Conceptual Drainage Improvement Projects

Once phase one is complete and the results are finalized the second phase will develop conceptual drainage solutions for the selected sites. Phase II will identify a drainage solution, volume of stormwater capacity, and pollutant load removal provided by the proposed drainage improvement and a cost estimate for the proposed improvement. It is anticipated that approximately 10 improvement projects will be selected.

COMPLETION DATE/COMMUNITY INVOLVEMENT COST:

The date of the anticipated completion of phase II is December of 2017. As in phase I the recommendations proposed by the engineers will be presented to the Village Board and to the public at large. The estimated cost for phase II is the sum of $18,000.00. The cost is based on the fees as presented by Nelson Pope & Voorhis, LLC.

PHASE III IMPLEMENTATION OF PROJECT:

In furtherance of the project as stated above the Village of Northport anticipates a budget for the Rain Garden Project in the sum of $50,000.00. The project "catches" pollutants caused by storm water runoff before it reaches Northport harbor. This state of the art project was recently highlighted in a Newsday article that is enclosed. In a further attempt to curtail pollutants caused by storm water runoff from reaching Northport Harbour, the Village has already spent approximately $32,000.00 in new catch basins. Both the Rain Garden Project and the new catch basins are projects voluntarily undertaken by the Village and are not mandated by any State or Federal Agency.

All of the above projects fall under the guidelines established by EPA and are Supplemental Environmental Projects. All of the projects further EPA's mission and fall under the guidelines of a SEP because it is pollution prevention and Enviornmental Restoration and Protection catagories well recognized by the EPA for a SEP.

Total Production Set 6.30.21 ED_004082B_00013669-00002

We are respectfully requesting that above stated project be considered in mitigating any civil penalties that may be assessed against the Village of Northport.

If you need any additional information and/or documentation, please feel free to contact the undersigned. Thank you once again for your continued courtesy and cooperation with regard to this matter.

Sincerely,

STUART P. BESEN, Northport Village Attorney

SPB:lm

MMP S
MILBER MAKRIS PLOUSADIS SEIDEN, LLP

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/28/2018 1:56:32 AM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 6 - Personal Privacy (PP)

Hi Phyllis –

Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP). Here are the following things I need to do:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 9/27/2018 9:50:32 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Consent Judgment and Appendix B

Great thanks

On Sep 26, 2018, at 7:22 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: McKenna, Douglas
Sent: Wednesday, September 26, 2018 7:09 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Sep 26, 2018, at 6:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

1. We are in the process of sending out the BID documents to start construction of the sewer hook-up of the houses on Bluff Point Road pursuant to our SEP. We will have the construction and project completed by the spring 2019. However, each homeowner is responsible for placing laterals on their property in order to hook up to our pipes etc., that we are placing in the ground. The laterals must be paid for by the individual homeowner by law since a municipality cannot make improvements on private property. If one homeowner refuses to put in a lateral will we still get credit for the SEP, if we complete everything that we can do?

2. Can we do one rain garden instead of two if the money to build the rain garden equals the sum of $20,000.00 or more.

3. Everything else in agreement is good and we agree to the penalty of
   Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,
Where do we stand?
As I mentioned in my Aug. 30 email, we're trying to get approval on Northport's settlement proposal, but need Northport's sign-off on the language of the Consent Judgment and answers to the Appendix Questions for our approval memos?
Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

I am looking to address the Board at our September 18, 2018 meeting.

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide a timetable for signing off on the Consent Judgment and answering the Appendix Questions?
We're trying to get approval on Northport's settlement proposal, but need these two things to finalize our internal memos.
Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
I'm just following up on this email from last week.
In order to get final approvals on the proposed penalty amount, we're being asked to include a Northport-approved Consent Judgment, including the final Appendix B. When do you think you'll be able to sign off on the Consent Judgment and answer the questions on the Appendix?
We have the right people's attention, so are trying to get approvals as soon as possible.
Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

I attach a revised draft of the Consent Judgment with some minor edits as tracked changes for your review. Please also note some of the comments about outstanding information requested from Northport.

Also, as per our discussion, I attach a draft Appendix B to the Consent Judgment reflecting some additional information for Northport to fill in.

Please review and let me know when you have the additional information, or if you have any questions.

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 8/28/2019 5:57:54 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport

Yes, but tomorrow is fine too.

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Wednesday, August 28, 2019 1:56 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Okay if I call you about 3:30?

Sent from my iPhone

On Aug 28, 2019, at 1:51 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Green, Katherine <Green.Katherine@epa.gov>
Sent: Tuesday, May 28, 2019 5:27 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport

Hi Deborah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-Katherine

From: Feinmark, Phyllis
Sent: Tuesday, May 28, 2019 4:14 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM

To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Northport

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman,

Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Northport

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT
> > **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
> > **Cc:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> > **Subject: Re: Bookhaven and Northport**

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM,
Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov> wrote:

Mark – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 12/12/2018 3:45:31 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Northport
Attachments: Briefing Paper_Northport (for RA briefing)_6-13-2018.docx

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/12/2018 12:16:25 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - RA Highlight
Attachments: Northport CJ RA highlight.docx

Phyllis, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Monday, December 10, 2018 2:30 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - RA Highlight

Hi Phyllis – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC). Thanks, Kara

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/27/2019 7:34:30 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Update - CJ Without SEPs

Hi Phyllis –

Ex. 5 AC/AWP/DP

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/3/2019 1:13:36 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP) Thanks.

> On Jul 3, 2019, at 9:07 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Wednesday, July 3, 2019 8:59 AM
> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: Re: V Ex. 5 AC/DP
>
> Thanks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
>> On Jul 3, 2019, at 7:52 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>
>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>> -----Original Message-----
>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>> Sent: Tuesday, July 2, 2019 7:06 PM
>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
>> Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>> Subject: Re: Ex. 5 AC/DP
>>
>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>
>>> On Jul 2, 2019, at 4:35 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>>
>>> Thank you all. Happy 4th!
>>>
>>> -----Original Message-----
>>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>>> Sent: Tuesday, July 2, 2019 4:14 PM
>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
>>> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>>> Subject: Re: Ex. 5 AC/DP
>>>
>>> Thanks very much. Hope you all have a great 4th.
>>>
>>> On Jul 2, 2019, at 4:05 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>> wrote:
>>>
>>> Hi all,
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> Have a great holiday and weekend!
>>>
>>> Caroline Makepeace
>>> Senior Counsel
>>> Office of Civil Enforcement
>>> US Environmental Protection Agency
>>> 202-564-6012
>>>
>>> This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.
>>>
>>> From: Feinmark, Phyllis
>>> Sent: Monday, July 01, 2019 10:42 AM

>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: RE: Ex. 5 AC/DP
>>>
>>> Thank you, Caroline. Ex. 6 - Personal Privacy (PP)
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 10:09 AM
>>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 9:51 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 9:41 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: V Ex. 5 AC/DP
>>>
>>> Thanks! Ex. 6 - Personal Privacy (PP)
>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 8:38 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Of course! Ex. 6 - Personal Privacy (PP) I'm around. I believe Katherine is as well. Thanks
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 01, 2019 8:17 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP
>>>
>>> Hi Kara and Katherine,
>>> Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP) I can get to your draft in the afternoon, but if not, would tomorrow be okay?
>>> Sent from my iPhone
>>>
>>> On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Hi Caroline –
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>> Thanks
>>>
>>> Kara E. Murphy
>>> Assistant Regional Counsel
>>> U.S. EPA, Region 2
>>> 290 Broadway, 16th Floor

>>> New York, NY 10007
>>> (212) 637-3211 (Phone)
>>> (212) 637-3202 (Fax)
>>>
>>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>>
>>> <image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 7/3/2019 12:58:51 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Re: Ex. 5 AC/DP

Thank you.

> On Jul 3, 2019, at 8:01 AM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Sent from my iPhone
>
>> On Jul 2, 2019, at 7:05 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>
>>> On Jul 2, 2019, at 4:35 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:
>>>
>>> Thank you all. Happy 4th!
>>>
>>> -----Original Message-----
>>> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
>>> Sent: Tuesday, July 2, 2019 4:14 PM
>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
>>> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
>>> Subject: Re: Ex. 5 AC/DP
>>>
>>> Thanks very much. Hope you all have a great 4th.
>>>
>>> On Jul 2, 2019, at 4:05 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>> wrote:
>>>
>>> Hi all,
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> Have a great holiday and weekend!
>>>
>>> Caroline Makepeace
>>> Senior Counsel
>>> Office of Civil Enforcement
>>> US Environmental Protection Agency
>>> 202-564-6012
>>>
>>> This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.
>>>
>>> From: Feinmark, Phyllis
>>> Sent: Monday, July 01, 2019 10:42 AM
>>> To: Makepeace, Caroline <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: RE: Ex. 5 AC/DP
>>>
>>> Thank you, Caroline. Ex. 6 - Personal Privacy (PP)
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 10:09 AM
>>> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>

>>> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP
>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 9:51 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 1, 2019 9:41 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP
>>>
>>> Thanks! Crossing my fingers I'm through this shortly.😒
>>> Sent from my iPhone
>>>
>>> On Jul 1, 2019, at 8:38 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Of course! Ex. 6 - Personal Privacy (PP) I'm around. I believe Katherine is as well. Thanks
>>>
>>> From: Makepeace, Caroline
>>> Sent: Monday, July 01, 2019 8:17 AM
>>> To: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
>>> Cc: Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
>>> Subject: Re: Ex. 5 AC/DP
>>>
>>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) u, Ex. 6 - Personal Privacy (PP)
>>> Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>>> Sent from my iPhone
>>>
>>> On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>>> Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>>>
>>> Thanks
>>>
>>> Kara E. Murphy
>>> Assistant Regional Counsel
>>> U.S. EPA, Region 2
>>> 290 Broadway, 16th Floor
>>> New York, NY 10007
>>> (212) 637-3211 (Phone)
>>> (212) 637-3202 (Fax)
>>>
>>> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>>>
>>> <image001.png>

>>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/22/2018 7:29:34 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport

FYI

From: Murphy, Kara
Sent: Thursday, February 22, 2018 2:29 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Thursday, February 22, 2018 1:38 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>
Subject: FW: Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Thursday, February 15, 2018 3:11 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, February 15, 2018 10:03 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

FYI

From: Feinmark, Phyllis
Sent: Wednesday, February 14, 2018 9:21 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Fine with me. Thanks for the update!

From: Murphy, Kara
Sent: Tuesday, February 13, 2018 9:32 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/20/2018 7:23:38 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Thursday, September 20, 2018 1:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
this time?

From: Simon, Paul
Sent: Thursday, September 20, 2018 1:26 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/20/2018 7:23:37 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Thursday, September 20, 2018 1:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Thursday, September 20, 2018 1:26 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 8/5/2019 5:55:04 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport CJ - Region 2 edits/comments

Don't depress me further!!

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 5, 2019 1:52 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Smart - enjoy the beach before climate change washes it away.

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, August 5, 2019 1:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Thanks Phyllis!

Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 5, 2019 1:08 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Sounds good. Have a wonderful vacation!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, August 5, 2019 12:31 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Thanks Phyllis.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 5, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 2, 2019 3:33 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 3:28 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP) Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:41 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 2:17 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Thanks Kara! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) I did ask Stuart for a clean copy of the POS a Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 1:48 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks again!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 1:09 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 1, 2019 4:51 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 01, 2019 4:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Sorry. **Ex. 6 - Personal Privacy (PP)** **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, July 31, 2019 5:53 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport CJ - Region 2 edits/comments

Hi Deborah – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, and have a good night.

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/23/2018 5:11:55 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport

FYI

-----Original Message-----
From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Tuesday, October 23, 2018 12:33 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Re: Northport

Stuart,

My supervisor and the EPA consent to the extension, but have directed me to let Northport know that this is a final extension. If we do not receive the appendices by this date, EPA will not grant SEP credit and will proceed on that basis.

Does Northport need assistance filling out the appendices? EPA staff is available for a conference call to assist Northport. We are happy to help, but are being directed to bring this to conclusion.

Best,
John

On Oct 22, 2018, at 7:02 PM, Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>> wrote:

I am requesting extending the production of Appendix A and B to October 31, 2018.

Thank you,

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>>
Cc: Murphy, Kara (Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>) <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov<mailto:Matthew.Silverman@usdoj.gov>>
Subject: Northport

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

In response to Northport's prior inquiries, the United States will consider:
(1) the sewer expansion substantially completed as long as at least a majority of the 27 residential and commercial properties connect to the sewer expansion (in other words, as long as there as at least 13 connections are completed); and
(2) the rain garden SEP substantially completed as long as construction of 1 or more rain gardens is completed within the time frame for a cost of at least $20,000.
I attach a revised draft Consent Judgment with tracked changes reflecting these points.
The attached Consent Judgment also tracks the outstanding appendices required from Northport.
Specifically, Northport needs to produce:
Appendix A – A map and schedule/table of the location of the 17 active outfalls owned by Northport, and
Appendix B – The SEP descriptions.
On April 30, we requested that Northport produce Appendix A, the updated list, by May 14, 2018.
On August 22, we requested that Northport complete the draft Appendix B, reflecting additional requested information, as soon as possible.

Stuart, EPA urgently needs the appendices in order to obtain formal approval of Northport's penalty proposal Ex. 7(A) and of the overall settlement.
Please produce the appendices by Tuesday, October 23, 2018. If you or Northport require technical assistance to complete Appendix B, please let us know immediately and the EPA can participate in a conference call before Tuesday to answer any questions.

Also, please let us know by next Thursday, October 25, 2018, if the proposed revised language in the Consent Judgment is acceptable, or, please propose alternative language you are requesting.

We would like to obtain all necessary approvals and file the proposed Consent Judgment before the end of the year, but will need to wrap up these items and obtain approvals. We appreciate your assistance.

Thank you,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/15/2017 1:40:58 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: DRAFT Northport CD
Attachments: Northport - Consent Decree_DRAFT_08JUNE2017_kmann_09JUNE2017R2ORC.docx

Please see the attached. Thanks!

Message

From: Fischer, Lauren [Fischer.Lauren@epa.gov]
Sent: 11/28/2018 7:55:23 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Funny and true. Thank you!

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 2:53 PM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 2:49 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 1:25 PM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 11:16 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:15 AM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 11:12 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP)

Thanks!!

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:07 AM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Not a problem. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

From: Fischer, Lauren
Sent: Wednesday, November 28, 2018 11:06 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:31 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Subject: Need urgent input - AG memo on settlements with state and local gov't entities

Anything from you guys?

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-

Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Hi, Bob. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/5/2019 3:40:49 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport CJ - Region 2 edits/comments

Thanks Phyllis!

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, August 05, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 2, 2019 3:33 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 3:28 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:41 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 2:17 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 2:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Thanks Kara. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) I did ask Stuart for a clean copy of the POS Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, August 2, 2019 1:48 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, August 02, 2019 1:09 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 1, 2019 4:51 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 01, 2019 4:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, July 31, 2019 5:53 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport CJ - Region 2 edits/comments

Hi Deborah – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/1/2019 4:41:38 PM
To: Simon, Paul [Simon.Paul@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Simon, Paul
Sent: Monday, July 01, 2019 12:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi, Rosemarie. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/22/2018 11:10:41 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, October 22, 2018 7:01 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Northport

I am requesting extending the production of Appendix A and B to October 31, 2018.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

In response to Northport's prior inquiries, the United States will consider:
(1) the sewer expansion substantially completed as long as at least a majority of the 27 residential and commercial properties connect to the sewer expansion (in other words, as long as there as at least 13 connections are completed); and

(2) the rain garden SEP substantially completed as long as construction of 1 or more rain gardens is completed within the time frame for a cost of at least $20,000.
I attach a revised draft Consent Judgment with tracked changes reflecting these points.
The attached Consent Judgment also tracks the outstanding appendices required from Northport. Specifically, Northport needs to produce:

Appendix A – A map and schedule/table of the location of the 17 active outfalls owned by Northport, and
Appendix B – The SEP descriptions.

On April 30, we requested that Northport produce Appendix A, the updated list, by May 14, 2018.
On August 22, we requested that Northport complete the draft Appendix B, reflecting additional requested information, as soon as possible.

Stuart, EPA urgently needs the appendices in order to obtain formal approval of Northport's penalty proposal Ex. 7(A) and of the overall settlement.
Please produce the appendices by Tuesday, October 23, 2018. If you or Northport require technical assistance to complete Appendix B, please let us know immediately and the EPA can participate in a conference call before Tuesday to answer any questions.

Also, please let us know by next Thursday, October 25, 2018, if the proposed revised language in the Consent Judgment is acceptable, or, please propose alternative language you are requesting.

We would like to obtain all necessary approvals and file the proposed Consent Judgment before the end of the year, but will need to wrap up these items and obtain approvals. We appreciate your assistance.

Thank you,
John

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 8/2/2019 5:09:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Northport CJ - Region 2 edits/comments
Attachments: responses to comments in 7.259.19.draft cj_R2 Edits_August 1 2019.docx; 8.2.19..docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 1, 2019 4:51 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 01, 2019 4:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport CJ - Region 2 edits/comments

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, July 31, 2019 5:53 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport CJ - Region 2 edits/comments

Hi Deborah Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, and have a good night.

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 4/30/2019 4:13:12 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Fwd: Northport

Sent from my iPhone

Begin forwarded message:

From: "Simon, Paul" <Simon.Paul@epa.gov>
Date: April 29, 2019 at 7:09:29 PM EDT
To: "McKenna, Douglas" <McKenna.Douglas@epa.gov>
Cc: "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>, "LaPosta, Dore" <LaPosta.Dore@epa.gov>, "Anderson, Kate" <Anderson.Kate@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Apr 29, 2019, at 3:41 PM, McKenna, Douglas <McKenna.Douglas@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

-----Original Message-----

From: McKenna, Douglas

Sent: Wednesday, April 17, 2019 8:03 AM

To: Simon, Paul <Simon.Paul@epa.gov>

Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>

Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

On Apr 17, 2019, at 7:56 AM, Simon, Paul <Simon.Paul@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Sent from my iPhone

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 4/22/2019 5:24:05 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject:
Attachments:

Ex. 5 AC/DP

Ex. 5 - Deliberative Process (DP) & Attorney-Client & Attorney Work Product (AWP) (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 4/17/2019 12:15:22 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Simon, Paul [Simon.Paul@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

> On Apr 17, 2019, at 8:02 AM, McKenna, Douglas <McKenna.Douglas@epa.gov> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks
>
>> On Apr 17, 2019, at 7:56 AM, Simon, Paul <Simon.Paul@epa.gov> wrote:
>>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>> Thanks
>>
>> Sent from my iPhone

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 6/7/2019 12:40:39 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: Seps
Attachments: **Ex. 5 Deliberative Process (DP)**

My comments and edits

-----Original Message-----
From: Simon, Paul
Sent: Friday, June 7, 2019 8:25 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Seps

I want to send the note to Pete this afternoon re Seps

Sent from my iPhone

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 5/16/2019 6:45:37 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: Northport

Thank you That is very sad.

From: Simon, Paul
Sent: Thursday, May 16, 2019 2:45 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 8/20/2018 6:24:10 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: oh no

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Monday, August 20, 2018 12:42 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: oh no

Oh no! No worries. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you!

From: Feinmark, Phyllis
Sent: Monday, August 20, 2018 11:48 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: oh no

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 6/22/2018 5:39:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport Appendix B (SEPs)
Attachments: 3EZ5262-Ltr to Vagelatos & Murphy w at.pdf; Northport Appendix B_June 2018.docx; Northport Appendix B_June 2018 feinmark comments.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Monday, June 18, 2018 10:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport Appendix B (SEPs)

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/28/2018 4:59:19 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: AG memo on settlements with state and local gov't entities

Not a problem! Just glad it is resolved.

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:56 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:17 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 11:12 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 11:08 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:59 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:58 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Wednesday, November 28, 2018 10:56 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 28, 2018, at 10:54 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Nov 28, 2018, at 10:39 AM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Sent: 8/10/2017 10:58:30 AM
To: Fischer, Lauren [Fischer.Lauren@epa.gov]
Subject: Ex. 7(A)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Lauren - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

Begin forwarded message:

From: "Murphy, Kara" <Murphy.Kara@epa.gov>
Date: August 8, 2017 at 9:45:18 AM EDT
To: "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>
Cc: "Murphy, Kara" <Murphy.Kara@epa.gov>
Subject: F Ex. 7(A)

Thanks Phyllis!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, July 27, 2017 6:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Ex. 7(A)

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 6/18/2018 12:52:52 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: Northport SEPs and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.

Sent from my iPhone

On Jun 15, 2018, at 2:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Phyllis - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
Thanks, Kara

From: Mann, Katherine
Sent: Tuesday, June 12, 2018 4:06 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport SEPs and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

<3EZ5262-Ltr to Vagelatos & Murphy w at.pdf>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/28/2018 3:56:34 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 10:53 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, November 28, 2018 10:31 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>
Subject: Need urgent input - AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-

Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>

Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/28/2018 3:55:47 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:27 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Villatora, Liliana
Sent: Monday, November 26, 2018 9:26 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, November 26, 2018 9:22 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Tuesday, November 20, 2018 4:29 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

CONFIDENTIAL

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Maher, Robert (ENRD) <Robert.Maher@usdoj.gov>
Sent: Tuesday, November 20, 2018 12:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: RE: AG memo on settlements with state and local gov't entities

Hi,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Monday, November 19, 2018 1:36 PM
To: Maher, Robert (ENRD) <RMaher@ENRD.USDOJ.GOV>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana

<Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>
Subject: AG memo on settlements with state and local gov't entities

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 8/7/2017 9:57:53 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: DRAFT Northport CD
Attachments: Northport - Consent Decree_DRAFT_08JUNE2017_kmann_09JUNE2017R2ORC.docx

Hi Kara - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Thursday, June 15, 2017 9:41 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: DRAFT Northport CD

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 1/29/2019 2:26:24 PM
To: Velez, Hector [Velez.Hector@epa.gov]
Subject: FW: Proposed settlement -- Northport
Attachments: Northport Final Briefing Paper 12-19-2018.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Proposed settlement -- Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Northport Final Briefing Paper 12...

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 1/9/2018 4:18:06 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: SEP CD Language

Beth Cavalier or Carolyn Makepeace

From: Murphy, Kara
Sent: Monday, January 8, 2018 12:30 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: SEP CD Language

Hi Phyllis –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 6/13/2018 7:48:27 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport - RA Briefing Memo
Attachments: Briefing Paper_Northport (for RA briefing)_6-13-2018 feinmark comments.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, June 13, 2018 1:59 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport - RA Briefing Memo

Hi Phyllis –
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks, Kara

From: Mann, Katherine
Sent: Wednesday, June 13, 2018 1:49 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport - RA Briefing Memo

Thanks Kara!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Wednesday, June 13, 2018 12:49 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - RA Briefing Memo

Hi Katherine – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
Thanks!

From: Mann, Katherine
Sent: Wednesday, June 13, 2018 11:53 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport - RA Briefing Memo

Hi all,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
Katherine

From: Murphy, Kara
Sent: Tuesday, June 12, 2018 5:33 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - RA Briefing Memo

Hi Katherine –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 8/20/2018 9:43:17 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments: **Ex. 5 Attorney Client (AC)**

Thank you!

From: Murphy, Kara
Sent: Tuesday, August 14, 2018 10:11 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Young, Sarah <young.sarah@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: **Ex. 5 Attorney Client (AC)**

Hi Phyllis –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 7/11/2018 8:48:57 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: Ex. 5 Attorney Client (AC)
Attachment Ex. 5 Attorney Client (AC)

Hi Justine - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Thanks very much!

From: Young, Sarah
Sent: Wednesday, July 11, 2018 9:57 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject Ex. 5 Attorney Client (AC)

Hi Phyllis,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Best,
Sarah

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 8/9/2018 7:49:25 PM
To: Cohen, Mitchell [cohen.mitchell@epa.gov]
Subject: Re: RE: RE:

Okay - thanks. Just curious.

Sent from my iPhone

On Aug 9, 2018, at 2:47 PM, Cohen, Mitchell <cohen.mitchell@epa.gov> wrote:

Ex. 6 - Personal Privacy (PP)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Take care and Ex. 6 - Personal Privacy (PP)

M

From: Feinmark, Phyllis
Sent: Thursday, August 09, 2018 2:28 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Fischer, Lauren <Fischer.Lauren@epa.gov>; Cohen, Mitchell <cohen.mitchell@epa.gov>
Subject: Re: RE:

What's up?

Sent from my iPhone

On Aug 9, 2018, at 12:03 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Fischer, Lauren
Sent: Thursday, August 09, 2018 11:42 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Lauren Fischer
Assistant Regional Counsel
U.S. Environmental Protection Agency Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
Tel: (212) 637-3231
Fax: (212) 637-3202

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 7/11/2018 8:45:55 PM
To: Young, Sarah [young.sarah@epa.gov]
Subject: RE: Northport SEP Memo

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you!

From: Young, Sarah
Sent: Wednesday, July 11, 2018 9:57 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Northport SEP Memo

Hi Phyllis,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Best,
Sarah

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 12/19/2018 7:14:36 PM
To: Simon, Paul [Simon.Paul@epa.gov]
CC: Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: RE: Northport - for RA
Attachments: Northport Final Briefing Paper 12-19-2018.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Wednesday, December 19, 2018 10:48 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Northport - for RA

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, December 19, 2018 10:31 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Northport - for RA

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 11/21/2018 2:42:48 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport Update

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, November 21, 2018 7:22 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport Update

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 12/12/2018 5:12:10 PM
To: Simon, Paul [Simon.Paul@epa.gov]
CC: Khoury, Lynn [Khoury.Lynn@epa.gov]
Subject: FW: Northport
Attachments: Briefing Paper_Northport (for RA briefing)_6-13-2018.docx

This is the most recent Northport fact sheet.

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 9/20/2018 9:12:01 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, September 20, 2018 3:24 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Thursday, September 20, 2018 1:26 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 7/2/2019 9:45:51 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: Re: SEPs in Northport NY case

Ex. 5 AC/AWP/DP

Sent from my iPhone

On Jul 2, 2019, at 5:15 PM, Schaaf, Eric <Schaaf.Eric@epa.gov> wrote:

Let's discuss tomorrow – thanks.

From: Feinmark, Phyllis
Sent: Tuesday, July 2, 2019 4:27 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: SEPs in Northport NY case

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

---

From: Schaaf, Eric
Sent: Tuesday, July 2, 2019 4:22 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>
Subject: RE: SEPs in Northport NY case

Rosemarie – Thanks for the follow-up. We'll move ahead with Northport and await further feedback on Nassau County.

From: Kelley, Rosemarie
Sent: Tuesday, July 2, 2019 3:52 PM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: FW: SEPs in Northport NY case

Eric, Paul—

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Rosemarie

From: Bodine, Susan
Sent: Monday, July 01, 2019 1:25 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: RE: SEPs in Northport NY case

Ex. 5 AC/DP

Thanks,

Susa

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 1:05 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: SEPs in Northport NY case

Susan—

Deliberate Privilege, Attorney Work Product

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 2/17/2018 6:25:01 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: Northport SEP Proposal

Sorry for what? No problems.

Sent from my iPhone

On Feb 16, 2018, at 4:13 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Sorry, thanks.
>
> ---
>
> **From:** Feinmark, Phyllis
> **Sent:** Friday, February 16, 2018 4:05 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** RE: Northport SEP Proposal
>
> Thank you for letting me know. Copying Doug McKenna to keep him in the loop as well.
>
> ---
>
> **From:** Murphy, Kara
> **Sent:** Friday, February 16, 2018 4:02 PM
> **To:** Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> **Cc:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** FW: Northport SEP Proposal
>
> FYI
>
> ---
>
> **From:** Murphy, Kara
> **Sent:** Friday, February 16, 2018 3:08 PM
> **To:** Stuart Besen <sbesen@milbermakris.com>
> **Cc:** John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** RE: Northport SEP Proposal
>
> Great, thank you.
>
> ---
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Friday, February 16, 2018 3:00 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Cc:** John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
> **Subject:** RE: Northport SEP Proposal
>
> Ok I will thanks.
>
> *Stuart P. Besen*
> *Of Counsel*
> .....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, after Tim returns from his vacation, the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 7/1/2019 10:48:13 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: Ex. 5 DP/AWP

Ex. 5 DP/AWP

Sent from my iPhone

On Jul 1, 2019, at 4:29 PM, Simon, Paul <Simon.Paul@epa.gov> wrote:

Ex. 5 DP/AC

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 3:24 PM
To: Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Ex. 5 DP/AWP

Regional Counsels,

Ex. 5 DP/AC

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 7/1/2019 6:39:34 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

FYI

From: Simon, Paul
Sent: Monday, July 1, 2019 12:44 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

<< File: Northport Final Briefing Paper 12-19-2018.docx >>

Message

From: Feinmark, Phyllis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9249B7BF3A144B678FE68C1A8CAF4B71-FEINMARK, PHYLLIS]
Sent: 10/19/2018 1:31:39 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport

I agree. Thanks, all.

Sent from my iPhone

On Oct 19, 2018, at 9:21 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Friday, October 19, 2018 8:52 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine

Sent from my iPhone

On Oct 18, 2018, at 8:26 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

FYI –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let's hope we get things next week.

Thanks

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

In response to Northport's prior inquiries, the United States will consider:
(1) the sewer expansion substantially completed as long as at least a majority of the 27 residential and commercial properties connect to the sewer expansion (in other words, as long as there as at least 13 connections are completed); and
(2) the rain garden SEP substantially completed as long as construction of 1 or more rain gardens is completed within the time frame for a cost of at least $20,000.
I attach a revised draft Consent Judgment with tracked changes reflecting these points. The attached Consent Judgment also tracks the outstanding appendices required from Northport. Specifically, Northport needs to produce:

Appendix A – A map and schedule/table of the location of the 17 active outfalls owned by Northport, and

Appendix B – The SEP descriptions.

On April 30, we requested that Northport produce Appendix A, the updated list, by May 14, 2018.
On August 22, we requested that Northport complete the draft Appendix B, reflecting additional requested information, as soon as possible.

Stuart, EPA urgently needs the appendices in order to obtain formal approval of Northport's penalty proposal Ex. 7(A) and of the overall settlement.
Please produce the appendices by Tuesday, October 23, 2018. If you or Northport require technical assistance to complete Appendix B, please let us know immediately and the EPA can participate in a conference call before Tuesday to answer any questions.

Also, please let us know by next Thursday, October 25, 2018, if the proposed revised language in the Consent Judgment is acceptable, or, please propose alternative language you are requesting.

We would like to obtain all necessary approvals and file the proposed Consent Judgment before the end of the year, but will need to wrap up these items and obtain approvals. We appreciate your assistance.

Thank you,
John

<Northport - Consent Judgment (DRAFT 2018-10-18)(For sharing with Northport).docx>

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/6/2018 9:39:43 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport CD - SEP Proposal Discussion
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 2/13/2018 8:00:00 PM
End: 2/13/2018 9:00:00 PM
Show Time As: Busy

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/11/2018 3:59:09 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport - SEP DISCUSSION
Location: Justine's Office

Start: 4/12/2018 1:30:00 PM
End: 4/12/2018 2:00:00 PM
Show Time As: Busy

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/15/2018 11:07:35 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]; John.Vagelatos@usdoj.gov; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: CD and SEP Discussion with Northport
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 5/15/2018 7:00:00 PM
End: 5/15/2018 8:00:00 PM
Show Time As: Busy

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/16/2018 7:29:40 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport - Discussion of John's email re: SEP and Penalty
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 5/17/2018 5:00:00 PM
End: 5/17/2018 5:30:00 PM
Show Time As: Busy

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 2/6/2018 9:40:18 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: Accepted: Northport CD - SEP Proposal Discussion
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 2/13/2018 4:00:00 PM
End: 2/13/2018 5:00:00 PM
Show Time As: Busy

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/2/2018 4:18:25 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 3:30:00 PM
End: 3/6/2018 4:30:00 PM
Show Time As: Tentative

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/2/2018 4:18:21 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 4:30:00 PM
End: 3/6/2018 5:30:00 PM
Show Time As: Busy

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/5/2018 3:45:12 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 4:30:00 PM
End: 3/6/2018 5:30:00 PM
Show Time As: Tentative

Appointment

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 3/2/2018 4:26:02 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Accepted: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 3:30:00 PM
End: 3/6/2018 4:30:00 PM
Show Time As: Busy

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 10/31/2018 5:59:00 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: Accepted: Northport SEP, 17 Outfalls, and CJ
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 11/1/2018 1:00:00 PM
End: 11/1/2018 2:00:00 PM
Show Time As: Busy

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 2/12/2018 9:21:35 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: Accepted: Northport CD - SEP Proposal Discussion
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 2/13/2018 8:00:00 PM
End: 2/13/2018 9:00:00 PM
Show Time As: Busy

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 5:23:30 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport SEP, 17 Outfalls, and CJ
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 11/1/2018 1:00:00 PM
End: 11/1/2018 2:00:00 PM
Show Time As: Busy

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 1/17/2018 6:20:59 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: Accepted: Northport - SEP CD Language
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 1/18/2018 2:15:00 PM
End: 1/18/2018 3:00:00 PM
Show Time As: Busy

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 5:23:28 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport SEP, 17 Outfalls, and CJ
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 11/1/2018 1:00:00 PM
End: 11/1/2018 2:00:00 PM
Show Time As: Tentative

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/17/2018 5:50:59 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Northport - SEP CD Language
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 1/18/2018 2:15:00 PM
End: 1/18/2018 3:00:00 PM
Show Time As: Busy

Message

From: McEathron, Kimberly [mceathron.kimberly@epa.gov]
Sent: 8/21/2018 9:45:22 PM
To: Mceathron, Kimberly [McEathron.Kimberly@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Conversation with McEathron, Kimberly

McEathron, Kimberly 5:08 PM:

hey you still there?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/2/2018 4:18:21 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 4:30:00 PM
End: 3/6/2018 5:30:00 PM
Show Time As: Busy

Conference number: Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

Ex. 5 AC/DP

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 5/10/2018 3:25:16 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 10, 2018 11:15 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 10, 2018 11:01 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

No. **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 10, 2018 10:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Hi John – Any word from Northport? Thanks

From: Murphy, Kara
Sent: Thursday, May 03, 2018 3:54 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 03, 2018 3:45 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi,
No, I have not.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 3, 2018 3:09 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John – Have you heard back from Stuart? Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

I hope you are well. Thank you for Northport's April 23, 2018 comments on the draft Consent Judgment ("CJ").

I attach a revised version of the draft CJ which annotates Northport's comments, and includes our proposed revisions, responses and placeholders for further discussion.

Significantly, please note that on March 27 and March 28, 2018, the EPA sent two emails requesting information on the proposed SEPs. We cannot complete our SEP credit and penalty analysis without this information.

Specifically, EPA requires the following information in order to finalize its determinations of SEP credit:
I. Rain Garden SEP
1) Please confirm that there have been no changes to the SEP description and costs provided in the 2/2/17 Northport letter;
a) If changes have been made, please provide updates.
2) Please provide a status update on the rain garden SEP and the SEP completion date.
II. Sewer Expansion Project SEP
1) Please identify the portion of the Bluff's Point costs provided on 3/27/18 that Northport is paying for directly (as opposed to by receiving, or contingent upon receiving, grant money or any third-party funding); and
2) Please provide the SEP completion date for Bluff's Point.
Please provide the requested information by May 14, 2018. ***If we do not receive the information by that date, we will not be able to provide Northport with credit for these projects.***

Please let us know when it would be convenient to walk through the CJ and discuss the open issues.

If we receive the SEP information quickly, we should also be able to tell Northport what credit it can receive and the penalty amount.

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 6/14/2019 12:03:25 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Northport

Thank you. Lofty goals.

> On Jun 14, 2019, at 7:15 AM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Enjoy the weekend and Doug, I hope you get either a lot of attention or complete peace on Father's Day.
>
> On Jun 14, 2019, at 1:21 AM, Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:
>
Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Monday, Deborah. Have a great weekend, all, and happy father's day, Doug.
>
> Sent from my iPhone
>
> On Jun 13, 2019, at 10:38 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Sent: Thursday, June 13, 2019 10:13 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; McKenna, Douglas
<McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine
<Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>
> Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Sent from my iPhone
>
> On Jun 13, 2019, at 8:32 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> From: Zwany, Deborah (USANYE)
> Sent: Thursday, June 13, 2019 8:28 PM
> To: 'Murphy, Kara' <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine
<Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>
> Subject: RE: Northport
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.
>
>
> From: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Sent: Tuesday, June 11, 2019 1:39 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; Modigliani, Justine
<Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>

> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Northport
>
> Hi Deborah - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Friday, May 31, 2019 9:45 AM
> To: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Northport
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> From: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>
> Sent: Wednesday, May 29, 2019 7:13 AM
> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Re: Ex. 7(A)
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Sent from my iPhone
>
> On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> From: McKenna, Douglas
> Sent: Tuesday, May 28, 2019 3:55 PM
> To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>
> Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Re: Northport
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
>
>
> On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> From: McKenna, Douglas
> Sent: Tuesday, May 28, 2019 3:37 PM
> To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Re: Northport
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.
>
> From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
> Sent: Tuesday, May 28, 2019 3:22 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
> Subject: Re: Northport
>
> Hi Deborah
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> M
>
> On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE)
<Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>> wrote:
> Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks again,
>
> Deborah
>
> From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>
> Sent: Friday, May 24, 2019 3:04 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>;
makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
> Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Northport
>
> Thanks Deborah!
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Friday, May 24, 2019 3:02 PM
> To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>;
makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>
> Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; Murphy, Kara
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Northport
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> From: Zwany, Deborah (USANYE)
> Sent: Friday, May 24, 2019 8:58 AM
> To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>)
<Karen.Dworkin@usdoj.gov<mailto:Karen.Dworkin@usdoj.gov>>;
'makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>'
<makepeace.caroline@epa.gov<mailto:makepeace.caroline@epa.gov>>
> Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov<mailto:Mark.Gallagher1@usdoj.gov>>; Silverman,
Matthew (USANYE) <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>; Vagelatos, John (USANYE)
<JVagelatos@usa.doj.gov<mailto:JVagelatos@usa.doj.gov>>; Feinmark, Phyllis
(Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>)
<Feinmark.Phyllis@epa.gov<mailto:Feinmark.Phyllis@epa.gov>>; 'Murphy, Kara'
<Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: Northport
>
> Hello all,
> I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in
a couple of weeks.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a nice Memorial Day weekend.

> Deborah
>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>
>
>
> On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE)
<MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>> wrote:
> Please see below for more context.
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
> From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV<mailto:MGallagher@ENRD.USDOJ.GOV>>
> Date: May 23, 2019 at 11:46:39 AM EDT
> To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV<mailto:KDworkin@ENRD.USDOJ.GOV>>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov<mailto:DBeckmann@usa.doj.gov>>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov<mailto:MSilverman@usa.doj.gov>>
> Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov<mailto:Makepeace.Caroline@epa.gov>>
> Subject: Re: Bookhaven and Northport
> Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

> -Mark
>
> On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov<mailto:KDworkin@enrd.usdoj.gov>> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Thanks Mark.
>
>

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 11/13/2018 7:35:09 PM
To: Stuart Besen [sbesen@milbermakris.com]; Murphy, Kara [Murphy.Kara@epa.gov]; Tim Brojer [tim.brojer@northportny.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Stuart,
Thank you for the explanation as to how/why Northport selected the raingarden location.
We still need Northport to submit an updated outfall location based on your discussions with EPA. When can we expect that?
Also, when will Northport be formally approving the SEPs, penalty and CJ language?
I'll call you about the timeline you requested.
Thank you,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 9, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

The language for outfall #51 is fine.

Here is the Supplemental Environmental project language that you requested for the rain garden located on Valley Road, Northport, New York.

SEP Location
The Village of Northport has selected the rain garden to be placed at Valley Road at or near its intersection with Ocean Avenue, Northport, New York. The Village of Northport selected this location because it was the best location to collect storm water runoff before it reaches Main Street Northport and the Main Street pipe (#28) which has been a source of problems for the Village of Northport. Additionally, the location of the rain garden is centrally located and on a hill and will pick up storm water runoff from several streets including Hyland Avenue, Ocean Avenue, Markan Drive, Dogwood Avenue, School Street and Valley Road. The placement of this rain garden will give the Village of Northport the best opportunity to curtail pollutants entering Northport Harbor due to storm water runoff.

The balance of the comments on this SEP are good with us. I will get you the Resolution authorizing the rain garden.

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797

516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thanks again Stuart and Tim for taking time to review the list below.

As we discussed, outfall #6 is off the list as it is not connected to the storm sewer. We've included outfall #28 back on the list. With regard to the unmapped outfall on Milland Drive, we all have agreed that it needs to go back on the list. Here is what we suggest in identifying the outfall for purposes of the CJ:

Outfall #51*

- Outfall #51 is identified as Northport's pipe that collects runoff from two catch basins on Milland Drive and flows into outfall pipe #52, which is a NYSDOT owned and maintained pipe. Northport is responsible for inspecting and sampling at outfall #51, downstream of the two catch basins and before the connection with NYSDOT's pipe.

Please let us know if you are ok with this language.

As discussed on the call, after we agree to this, we just need confirmation from Northport on the SEP Appendix minor edits that were made, and need the reason as to why the rain garden location was picked.

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Just wanted to send an email for our call on Tuesday, pending Tim's availability.

Katherine and I want to discuss the following outfalls and information relating to these outfalls:

1) Outfall 6 – Northport removed this outfall because as Stuart indicated during the call on 11/1/18, it is not part of Northport's MS4.
2) Outfall 28 – Northport removed this outfall from the list. EPA believes that it may be the 48 inch pipe that Northport rehabilitated, and Stuart confirmed this during the call on 11/1/18. Stuart also confirmed that it will be added back on to the list.

3) Milland Drive Outfalls - EPA wants confirmation if a pipe at an unmapped outfall located on Milland Drive is from Northport's MS4 that leads into DOT's MS4. The attached markup of Northport's outfall map shows outfall 54 (which is included on the list), as well as the location of the unmapped outfall.

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/9/2017 8:30:12 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport CD - JUNE 9 2017 DRAFT
Attachments: Northport - Consent Decree_DRAFT_08JUNE2017_kmann_09JUNE2017R2ORC.docx

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a great weekend, thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/13/2018 7:07:09 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Tuesday, Nov. 6, 2018 @ 10am

FYI

From: Murphy, Kara
Sent: Tuesday, November 13, 2018 2:00 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

would be great. Thanks, Kara

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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The balance of the comments on this SEP are good with us. I will get you the Resolution authorizing the rain garden.

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner
.....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

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Katherine and I want to discuss the following outfalls and information relating to these outfalls:

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3) Milland Drive Outfalls - EPA wants confirmation if a pipe at an unmapped outfall located on Milland Drive is from Northport's MS4 that leads into DOT's MS4. The attached markup of Northport's outfall map shows outfall 54 (which is included on the list), as well as the location of the unmapped outfall.

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/9/2017 7:22:04 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Incorporated Village of Northport
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF

Justine - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

From: Murphy, Kara
Sent: Tuesday, February 07, 2017 11:59 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Incorporated Village of Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

works best for you so you have time to review. Thanks!

From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Besen <sbesen@milbermakris.com>
Subject: Incorporated Village of Northport

Good Afternoon: Please find attached Mr. Besen's letter (which has been mailed also)regarding a proposed Supplemental Environmental Project for the Village of Northport.

Elizabeth Maiello
Legal Assistant
.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2017 11:15:31 AM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; John.Vagelatos@usdoj.gov; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport SEP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Wednesday, June 07, 2017 4:39 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Wednesday, June 07, 2017 2:52 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Wednesday, June 07, 2017 2:15 PM
To: Vagelatos, John (USANYE); Modigliani, Justine; Mann, Katherine
Cc: Murphy, Kara
Subject: Northport SEP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-ends-third-party-settlement-practice

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2018 8:05:40 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport CJ

Great, thanks Katherine! Have a great weekend too!

-----Original Message-----
From: Mann, Katherine
Sent: Friday, June 08, 2018 4:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ

Hey Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a great weekend!

Katherine

-----Original Message-----
From: Murphy, Kara
Sent: Friday, June 8, 2018 12:10 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ

Hi John - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 31, 2018 3:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport CJ

Thanks
Ex. 6 - Personal Privacy (PP)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

<image001.png>

<Northport - Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts)_R2 Edits.docx>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/27/2018 7:51:30 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport

Great, thanks!

From: McKenna, Douglas
Sent: Friday, April 27, 2018 3:47 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Friday, April 27, 2018 3:31 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi Doug – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Thursday, April 19, 2018 2:55 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, April 19, 2018 2:49 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hey Doug – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/21/2018 12:13:46 AM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - CJ RA Approval Memo
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

FYI – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Feinmark, Phyllis
Sent: Monday, August 20, 2018 5:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - CJ RA Approval Memo

Thanks again!

From: Murphy, Kara
Sent: Tuesday, August 14, 2018 10:12 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - CJ RA Approval Memo

Hi Phyllis – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/1/2018 1:54:45 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - SEP & Outfalls
Attachments: 3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/21/2018 2:54:07 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Complaint
Attachments: US and NY v. Northport DRAFT complaint (2018-10-26)_R2 edits 2018-11-21.docx

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Wishing you and your family a wonderful Thanksgiving!

Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/31/2018 7:59:14 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport CJ

Ok thanks. Safe travels. If not, I'll talk to you next week. Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 31, 2018 3:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport CJ

Thanks

Ex. 6 - Personal Privacy (PP)

I will try to call you, connections permitting.

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

<Northport - Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts)_R2 Edits.docx>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/21/2018 12:12:14 AM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Feinmark, Phyllis
Sent: Monday, August 20, 2018 5:43 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Thank you!

From: Murphy, Kara
Sent: Tuesday, August 14, 2018 10:11 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Young, Sarah <young.sarah@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Hi Phyllis –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 5/31/2018 7:54:07 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport CJ
Attachments: image001.png

Thanks

Ex. 6 - Personal Privacy (PP)

I will try to call you, connections permitting.

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

<Northport - Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts)_R2 Edits.docx>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 5:21:19 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Village of Northport

Fyi – let's talk tomorrow.

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 12:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Village of Northport

FYI. I'll probably have to address these points.

From: Silverman, Matthew (USANYE)
Sent: Wednesday, October 31, 2018 12:22 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Village of Northport

John,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE)
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: FW: Village of Northport

Kara,

Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Village of Northport

Attached is the SEP wording to be attached to the Consent Decree if it meets with your approval.

Stuart P. Besen
Partner

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 5:19:32 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Village of Northport
Attachments: Attached Image

FYI

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 12:07 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Village of Northport

Resending

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:13 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Village of Northport

Please see attached maps showing the 17 outfall pipes that the Village of Northport is responsible for. I have also attached a chart identifying the outfall pipes. I am sending you under a separate E mail the SEP language. Are you available for a call today?

Thanks,

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/19/2018 2:44:43 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 Deliberative Process (DP)

Great, thank you both. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC). Thanks

---

From: Modigliani, Justine
Sent: Friday, January 19, 2018 8:30 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 5 Deliberative Process (DP)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jan 18, 2018, at 3:49 PM, Mann, Katherine <Mann.Katherine@epa.gov> wrote:

Thanks Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-Katherine

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

From: Murphy, Kara
Sent: Thursday, January 18, 2018 2:41 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 Deliberative Process (DP)

Hi Ladies –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/30/2018 8:24:58 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport
Attachments: Northport - Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts)_R2 Edits.docx; Northport Appendix B_May 30 2018.docx

Hi Ladies – I sent out a scheduler for tomorrow from 11:30-12:00. I saw that there was a possible opening from 1-2. Katherine – I see you have a tentative meeting. Is that still happening? If not, I'd rather move our meeting to 1pm as there's a little more wiggle room. If not, no worries, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 3:49:54 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Village of Northport
Attachments: 3L82821-Appendix B SEP EPA.DOCX

Importance: High

Ex. 5 Attorney Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Village of Northport

Kara

Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Village of Northport

Attached is the SEP wording to be attached to the Consent Decree if it meets with your approval.

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 5/29/2018 10:58:00 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport - Penalty
Attachments: Northport - Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts).docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I am leaving for business tonight, but will be reachable by email and telephone.
If you want to have a short call so I can let you know how it went with Stuart, email me and let me know when you're available, and we can set something up.

Best,
John

From: Vagelatos, John (USANYE)
Sent: Tuesday, May 29, 2018 5:30 PM
To: 'Murphy, Kara' <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport - Penalty

I just spoke to Stuart.
If you're free now, I can recount the call quickly.
I'll be here and available until 6:30/7.
Feel free to call me at Ex. 6 Personal Privacy (PP)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, May 29, 2018 10:36 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - Penalty

Great, thanks John. Hopefully Stuart will touch base with you this week.
And thanks, we had a great weekend too, but always too short.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 29, 2018 10:27 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport - Penalty

Hi Kara,
Thank you, we did. I hope you and your family did as well.
I wasn't able to reach Stuart before the weekend and he is in court this morning.

I've left him a voicemail and asked him to call me.
I'll keep you updated and will copy you on the email transmitting the updated version of the CJ after I speak to him.
Best,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, May 29, 2018 9:54 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - Penalty

Hi John –

Hope you and your family had a great holiday weekend!

Ex. 5 AC/DP

Thanks

From: Murphy, Kara
Sent: Thursday, May 24, 2018 11:06 AM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - Penalty

Ok, great. Thanks John.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 24, 2018 10:28 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport - Penalty

Hi Kara,
I didn't get a chance to get it out yesterday, but am planning on doing so today.
I'll call you if I come up with any questions.
Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 24, 2018 10:22 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - Penalty

Hi John – Just wanted to check in to see if you had a call with Stuart or are planning to do it today or tomorrow? I know you had a lot going on when we spoke, but wanted to see if you have some follow-up questions for us. We're in today so let us know. Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/26/2018 9:37:21 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]
Subject: RE: Northport - EPA Comments on Northport's
Attachments: Northport - Consent Judgment (DRAFT 2018-04-24)(JV and EPA response to Northport comments).docx

Ex. 5 AC/DP

Talk to you tomorrow.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 26, 2018 3:55 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - EPA Comments on Northport's

Hi John –

Justine, Katherine and I met to discuss Northport's CD comments/additions. Below are our comments. We are available to discuss Friday after 12:30pm. If not tomorrow, let us know which days work for you next week.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/1/2019 4:54:08 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Simon, Paul
Sent: Monday, July 01, 2019 12:44 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/18/2018 7:41:25 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 Deliberative Process (DP)
Attachments: Northport - Consent Judgment (DRAFT 2017-12-21)(Tracked edits against 2017-09-28) (002)_EPA R2 Edits 2018-01-18.docx

Hi Ladies –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/26/2018 9:00:24 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: SEP breakdown of costs

Ex. 5 AC/DP

From: Murphy, Kara
Sent: Thursday, March 29, 2018 11:48 AM
To: Stuart Besen <sbesen@milbermakris.com>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Tim Brojer <t.brojer@northportny.gov>; Tim Brojer <tim.brojer@northportny.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP breakdown of costs

Thanks Stuart. EPA needs to know what portion of the proposed breakout costs Northport is paying directly and what portion is going to be paid by grant money. Also, do you have a compliance date as to when this will be complete?

Also, if you could also answer Katherine's questions in regard to the rain garden SEP. I apologize for the immediate attention to these questions, but in order to figure out credit, etc., and get management approval from our management and the Washington office, we need these answers sooner so we can get back to you and eventually discuss penalty.

Thanks so much!
Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Tuesday, March 27, 2018 6:33 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Tim Brojer <t.brojer@northportny.gov>; Tim Brojer <tim.brojer@northportny.gov>
Subject: SEP breakdown of costs

Please see attached.

Stuart P. Besen
Of Counsel

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/1/2019 4:41:56 PM
To: Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Proposed settlement -- Northport

Great, thanks Katherine! ☺

From: Green, Katherine
Sent: Monday, July 01, 2019 12:41 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Monday, July 1, 2019 12:30 PM
To: Green, Katherine <Green.Katherine@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Simon, Paul
Sent: Monday, July 01, 2019 12:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Kelley, Rosemarie
Sent: Monday, July 1, 2019 12:19 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Northport

Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Rosemarie

Regards,
Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

From: Simon, Paul
Sent: Monday, July 01, 2019 12:10 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) - Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/26/2018 8:05:56 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport - EPA Comments on Northport's
Attachments: Northport - Consent Judgment (DRAFT 2018-04-23)(Northport comments to 3-23 draft and JV thoughts).docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 26, 2018 3:55 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - EPA Comments on Northport's

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 5/21/2018 7:30:49 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) thanks!

Sent from my iPhone

On May 21, 2018, at 2:50 PM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 12:19 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Monday, May 21, 2018 12:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Monday, May 21, 2018 11:45 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:29 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Monday, May 21, 2018 11:07 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEPs

Hi Caroline –

There are 2 SEPs. The first is installing 2 raingardens. The second is hooking 26 houses and 1 business to the sewer system. This is the info from Northport:

At this time I would like to confirm that we will be placing two (2) rain gardens at a cost of $10,000.00 each in the Village of Northport with a completion date no longer than May 18, 2019.

We are also requesting credit for a Supplemental Environmental Project on Bluff Point Road which consists of 26 residential homes and one commercial site being hooked up to our sewer system thereby replacing the cesspools which are environmentally problematic. The engineering cost that is being paid by the Village of Northport is the sum of $126,750.00. The Bluff point project anticipated end date is two years.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 10:41 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff

Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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-----Original Appointment-----
From: Murphy, Kara
Sent: Monday, May 21, 2018 10:23 AM
To: Makepeace, Caroline; Modigliani, Justine; Mann, Katherine
Subject: Northport SEPs
When: Tuesday, May 22, 2018 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: R2NY-Rm-2034-8p.DECA/R2-NY

Caroline - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/26/2018 7:55:11 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - EPA Comments on Northport's

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 4/26/2018 7:09:04 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, April 26, 2018 9:37 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

From: Mann, Katherine
Sent: Thursday, April 26, 2018 9:21 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
-Katherine

From: Murphy, Kara
Sent: Wednesday, April 25, 2018 2:09 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

PLEASE REVIEW. THANK YOU!

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/12/2018 5:56:55 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Attachments: 2015 Updated SEP Policy (3).pdf

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC). Thanks

---

From: Makepeace, Caroline
Sent: Friday, January 12, 2018 10:40 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: S Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sure. What's your timing on this?
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/24/2017 5:26:58 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - Draft CD
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Take care and have a great weekend.

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/21/2018 4:44:31 PM
To: Stuart Besen [sbesen@milbermakris.com]; John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Hi Stuart –

Thank you for the information. For the Bluff Point project, do you mean 2 years from Date of Entry of the CJ? Or do you have a specific date in mind?

Also just as a reminder, with all SEPs, Northport will have to certify in the CJ that the SEPs are not a project that it was planning or intending to construct, perform or implement other than in settlement of the claims.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, May 18, 2018 7:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

At this time I would like to confirm that we will be placing two (2) rain gardens at a cost of $10,000.00 each in the Village of Northport with a completion date no longer than May 18, 2019.

We are also requesting credit for a Supplemental Environmental Project on Bluff Point Road which consists of 26 residential homes and one commercial site being hooked up to our sewer system thereby replacing the cesspools which are environmentally problematic. The engineering cost that is being paid by the Village of Northport is the sum of $126,750.00. The Bluff point project anticipated end date is two years.

We expressly reserve our right to amend and supplement this SEP request prior to executing the Consent Decree.

I look forward to speaking with you next week.

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

I hope you are well. Thank you for Northport's April 23, 2018 comments on the draft Consent Judgment ("CJ").

I attach a revised version of the draft CJ which annotates Northport's comments, and includes our proposed revisions, responses and placeholders for further discussion.

Significantly, please note that on March 27 and March 28, 2018, the EPA sent two emails requesting information on the proposed SEPs. We cannot complete our SEP credit and penalty analysis without this information.

Specifically, EPA requires the following information in order to finalize its determinations of SEP credit:
I. Rain Garden SEP
1) Please confirm that there have been no changes to the SEP description and costs provided in the 2/2/17 Northport letter;
a) If changes have been made, please provide updates.
2) Please provide a status update on the rain garden SEP and the SEP completion date.
II. Sewer Expansion Project SEP
1) Please identify the portion of the Bluff's Point costs provided on 3/27/18 that Northport is paying for directly (as opposed to by receiving, or contingent upon receiving, grant money or any third-party funding); and
2) Please provide the SEP completion date for Bluff's Point.
Please provide the requested information by May 14, 2018. ***If we do not receive the information by that date, we will not be able to provide Northport with credit for these projects.***

Please let us know when it would be convenient to walk through the CJ and discuss the open issues.
If we receive the SEP information quickly, we should also be able to tell Northport what credit it can receive and the penalty amount.

Best regards,

John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/25/2018 6:08:54 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport

PLEASE REVIEW. THANK YOU!

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/5/2018 3:31:10 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport SEP Proposal

Looks like you are all set for tomorrow at 11:30am. Hope all goes well. I'll be around if want me to come upstairs and talk after the call or if want to give me a call. Thanks!

From: Murphy, Kara
Sent: Monday, March 05, 2018 10:30 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Yes same number. Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, March 05, 2018 10:25 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Great thanks same number

Sent from my iPhone

On Mar 5, 2018, at 10:22 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – Katherine and Justine can talk at 11:30am. Thanks
>
> ---
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Monday, March 05, 2018 10:12 AM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** Re: Northport SEP Proposal
>
> Can we move this call tomorrow to either 9 am or 11:30 or later thanks
>
> Sent from my iPhone
>
> On Mar 2, 2018, at 1:07 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:
>
>> Here is the conference line. Thanks
>>
>> Conference number: Ex. 6 - Personal Privacy (PP)
>>
>> Ex. 6 - Personal Privacy (PP)

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Thursday, March 01, 2018 4:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Yes. 10:30 would be fine. Please provide a number where we can reach Katherine and Justine. Northport number is Ex. 6 Personal Privacy (PP) I believe Tim's extension is 311 or dial 0. I would prefer if we could dial them.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, March 01, 2018 2:58 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

So is 10:30am ok for Tuesday, March 6th? I'll let Katherine and Justine know. You will let Tim and Damon know. I just need a phone number where they can be reached at and I'll give to my client. Thanks!

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Ex. 6 - Personal Privacy (PP) I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Ok I will thanks.

Stuart P. Besen
Of Counsel
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>

Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. **Ex. 6 - Personal Privacy (PP)**, the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/23/2017 7:33:06 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport CD Drafts
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks, Kara

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/20/2018 2:21:59 PM
To: John.Vagelatos@usdoj.gov; Stuart Besen [sbesen@milbermakris.com]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Thanks Stuart and John. Also, the SEP questions included follow-up information regarding the rain gardens too. So when you answer the questions posed for the more recent SEP if you could also update us on the rain garden SEP, we would greatly appreciate that. Thank you!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 19, 2018 4:10 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Thanks Stuart.
Yes, we can speak after we receive and review your comments.
We also need the answers to the SEP questions that we sent you, unless Northport wants to withdraw its application for SEP credit associated with its more recent submission.
Please send those answers at your earliest opportunity.
Thanks again.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, April 19, 2018 2:41 PM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Northport

I will have my comments to you this weekend. I have a huge motion due tomorrow. Can we speak after you review my comments.

Thanks,

Stuart P. Besen
Of Counsel
.....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 19, 2018 11:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Good morning Stuart,
Now that you've had the April 17, 2018 Board meeting and time to review the proposed Consent Decree, do you or Northport have any questions about the agreement or is it acceptable as is?
We're happy to have a call if that would be helpful.
Best,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, March 29, 2018 2:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Northport

We have a Board meeting on Tuesday and would like more time to review the document and show the Board in Executive Session. This coming Tuesday is our General Meeting and we have a new Mayor and Deputy Mayor. Can we speak Monday or Tuesday. I would like to present to the Board April 17, 2018, at our next Board meeting.

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Good morning Stuart,
Do you think you will be able to give us any comments you may have on the language of the draft Consent Judgment by close of business Monday?
We would appreciate a redline, but I am also available Monday or Tuesday for a call in addition if you would like.
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Northport

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,
I attach for discussion a draft Consent Judgment resolving the United States' claims against Northport.
<< File: Northport - Consent Judgment (DRAFT 2018-03-23)(For sharing with Northport).docx >>
This draft is subject to further internal government review and approval.
In addition, you should know that the State of New York will likely need to be added as a party to this settlement, and would be added as a plaintiff. In that event, the State will have to review and approve as well.
Finally, you will note that the penalty and SEP provisions are still to be determined [TBD].
EPA is reviewing Northport's most recent SEP proposal.
Once that review is complete, we will be in a position to advise you of the penalty and SEP credit amounts.

For now, please review and we can discuss the structure of the settlement and the Consent Judgment language.

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/5/2018 3:22:12 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport SEP Proposal

Great, thanks. I'll email Stuart back and let you know.

From: Mann, Katherine
Sent: Monday, March 05, 2018 10:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Hi Kara,

11:30 AM should work for us.

-Katherine

From: Murphy, Kara
Sent: Monday, March 5, 2018 10:14 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport SEP Proposal

FYI – please advise. Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, March 05, 2018 10:12 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Can we move this call tomorrow to either 9 am or 11:30 or later thanks

Sent from my iPhone

On Mar 2, 2018, at 1:07 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Here is the conference line. Thanks
>
> Conference number: Ex. 6 - Personal Privacy (PP)
>
> **Ex. 6 - Personal Privacy (PP)**
>
> ---
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Thursday, March 01, 2018 4:16 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:** RE: Northport SEP Proposal

Yes. 10:30 would be fine. Please provide a number where we can reach Katherine and Justine. Northport number is Ex. 6 Personal Privacy (PP) believe Tim's extension is 311 or dial 0. I would prefer if we could dial them.

Stuart P. Besen
Of Counsel

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, March 01, 2018 2:58 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

So is 10:30am ok for Tuesday, March 6th? I'll let Katherine and Justine know. You will let Tim and Damon know. I just need a phone number where they can be reached at and I'll give to my client. Thanks!

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Tim gets back on Monday. I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!
>
> Kara E. Murphy

Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, Ex. 6 - Personal Privacy (PP) Ex. 6 - Personal Privacy (PP), the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 1/11/2018 4:14:50 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jan 11, 2018, at 10:53 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi John –

Happy New Year! Wishing you and your family a great 2018!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 7/1/2019 12:16:40 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 28, 2019, at 3:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/23/2017 6:53:04 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Ladies – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, August 23, 2017 2:51 PM
To: Fischer, Lauren <Fischer.Lauren@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/19/2018 7:03:19 PM
To: John.Vagelatos@usdoj.gov
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport - State Update, etc

Ex. 5 AC/AWP

From: Murphy, Kara
Sent: Thursday, April 19, 2018 2:53 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - State Update, etc

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 19, 2018 11:39 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport - State Update, etc

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 5, 2018 11:24 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - State Update, etc

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/2/2018 6:05:12 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport SEP Proposal

Great! Thank you! :)

Get home safely!

From: Mann, Katherine
Sent: Friday, March 02, 2018 10:21 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Hi Kara,

Thank you for setting this up.

They can reach us on the following conference line:

Conference number Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

-Katherine

From: Murphy, Kara
Sent: Friday, March 2, 2018 6:57 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport SEP Proposal

Ok so mark your calendars. Do you have a number for Northport? Thanks!

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Thursday, March 01, 2018 4:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Yes. 10:30 would be fine. Please provide a number where we can reach Katherine and Justine. Northport number Ex. 6 Personal Privacy (PP) I believe Tim's extension is 311 or dial 0. I would prefer if we could dial them. Ex. 6 Personal Privacy (PP)

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP

1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, March 01, 2018 2:58 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

So is 10:30am ok for Tuesday, March 6th? I'll let Katherine and Justine know. You will let Tim and Damon know. I just need a phone number where they can be reached at and I'll give to my client. Thanks!

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Tim gets back on Monday. I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
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appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

<image001.png>

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, after Tim returns from his vacation, the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 7/22/2019 11:41:52 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Northport Update

Ex. 5 - Deliberative Process (DP)

Sent from my iPhone

On Jul 22, 2019, at 5:36 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

Begin forwarded message:

From: "Zwany, Deborah (USANYE)" <Deborah.Zwany@usdoj.gov>
Date: July 22, 2019 at 4:22:13 PM EDT
To: "Murphy, Kara" <Murphy.Kara@epa.gov>
Cc: "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>, "McKenna, Douglas" <McKenna.Douglas@epa.gov>, "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "Green, Katherine" <Green.Katherine@epa.gov>
Subject: RE: Northport Update

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE)
Sent: Friday, July 19, 2019 10:46 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport Update

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Rosner, Abigail
To: Zwany, Deborah

Ex. 5 - Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, July 19, 2019 9:59 AM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Northport

Ex. 5 - Attorney-Client (AC)

From: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Sent: Friday, July 19, 2019 9:56 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: RE: Northport

Hi Deborah,

Ex. 5 - Attorney-Client (AC)

Thanks,
Abby

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, July 19, 2019 9:54 AM
To: Rosner, Abigail <Abigail.Rosner@ag.ny.gov>
Cc: Gershon, Andrew <Andrew.Gershon@ag.ny.gov>
Subject: Northport

Hi Abigail,

Ex. 5 - Attorney-Client (AC)

Thanks.

Deborah

Original Message-----
From: Zwany, Deborah (USANYE)
Sent: Friday, July 19, 2019 10:01 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Northport Update

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/28/2019 4:47:12 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: re Northport
Attachments: Ex. 5 Attorney Client (AC)

FYI

From: Murphy, Kara
Sent: Friday, June 28, 2019 12:24 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: re Northport

Hi Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Simon, Paul
Sent: Friday, June 28, 2019 7:39 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Sent from my iPhone

Katherine Green
Water Compliance Branch
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226
green.katherine@epa.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/22/2017 4:46:23 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - Cleaner copy
Attachments: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Hi Katherine – here you go.

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 1/10/2018 10:05:38 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport Draft CD

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you both!

From: Mann, Katherine
Sent: Wednesday, January 10, 2018 2:39 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport Draft CD

Hi Kara!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
Katherine

From: Murphy, Kara
Sent: Tuesday, January 9, 2018 3:25 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport Draft CD

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I'm in the office tomorrow and Thursday and working from home Friday, so let me know if you want to have a quick meeting and review.

Thanks!

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 10/23/2018 2:12:56 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Re: Northport

Yes

On Oct 23, 2018, at 10:11 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Monday, October 22, 2018 7:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Northport

Kara,
How would EPA like to handle?
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, October 22, 2018 7:01 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Northport

I am requesting extending the production of Appendix A and B to October 31, 2018.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com>

Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

In response to Northport's prior inquiries, the United States will consider:
(1) the sewer expansion substantially completed as long as at least a majority of the 27 residential and commercial properties connect to the sewer expansion (in other words, as long as there as at least 13 connections are completed); and
(2) the rain garden SEP substantially completed as long as construction of 1 or more rain gardens is completed within the time frame for a cost of at least $20,000.
I attach a revised draft Consent Judgment with tracked changes reflecting these points.
The attached Consent Judgment also tracks the outstanding appendices required from Northport. Specifically, Northport needs to produce:

Appendix A – A map and schedule/table of the location of the 17 active outfalls owned by Northport, and

Appendix B – The SEP descriptions.

On April 30, we requested that Northport produce Appendix A, the updated list, by May 14, 2018.
On August 22, we requested that Northport complete the draft Appendix B, reflecting additional requested information, as soon as possible.

Stuart, EPA urgently needs the appendices in order to obtain formal approval of Northport's penalty proposal Ex. 7(A) and of the overall settlement.
Please produce the appendices by Tuesday, October 23, 2018. If you or Northport require technical assistance to complete Appendix B, please let us know immediately and the EPA can participate in a conference call before Tuesday to answer any questions.

Also, please let us know by next Thursday, October 25, 2018, if the proposed revised language in the Consent Judgment is acceptable, or, please propose alternative language you are requesting.

We would like to obtain all necessary approvals and file the proposed Consent Judgment before the end of the year, but will need to wrap up these items and obtain approvals. We appreciate your assistance.

Thank you,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/21/2017 7:23:26 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you!

From: Mann, Katherine
Sent: Monday, August 21, 2017 2:25 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Happy eclipse watching!

Katherine

Katherine E. Mann
Water Compliance Branch
United States Environmental Protection Agency – Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/21/2018 1:27:25 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: John.Vagelatos@usdoj.gov; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Monday, May 21, 2018 8:10 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: John.Vagelatos@usdoj.gov
Subject: RE: Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

From: Murphy, Kara
Sent: Monday, May 21, 2018 7:10 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, May 18, 2018 7:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

At this time I would like to confirm that we will be placing two (2) rain gardens at a cost of $10,000.00 each in the Village of Northport with a completion date no longer than May 18, 2019.

We are also requesting credit for a Supplemental Environmental Project on Bluff Point Road which consists of 26 residential homes and one commercial site being hooked up to our sewer system thereby replacing the cesspools which are environmentally problematic. The engineering cost that is being paid by the Village of Northport is the sum of $126,750.00. The Bluff point project anticipated end date is two years.

We expressly reserve our right to amend and supplement this SEP request prior to executing the Consent Decree.

I look forward to speaking with you next week.

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

I hope you are well. Thank you for Northport's April 23, 2018 comments on the draft Consent Judgment ("CJ").

I attach a revised version of the draft CJ which annotates Northport's comments, and includes our proposed revisions, responses and placeholders for further discussion.

Significantly, please note that on March 27 and March 28, 2018, the EPA sent two emails requesting information on the proposed SEPs. We cannot complete our SEP credit and penalty analysis without this information.

Specifically, EPA requires the following information in order to finalize its determinations of SEP credit:
I. Rain Garden SEP
1) Please confirm that there have been no changes to the SEP description and costs provided in the 2/2/17 Northport letter;
a) If changes have been made, please provide updates.
2) Please provide a status update on the rain garden SEP and the SEP completion date.
II. Sewer Expansion Project SEP
1) Please identify the portion of the Bluff's Point costs provided on 3/27/18 that Northport is paying for directly (as opposed to by receiving, or contingent upon receiving, grant money or any third-party funding); and
2) Please provide the SEP completion date for Bluff's Point.
Please provide the requested information by May 14, 2018. ***If we do not receive the information by that date, we will not be able to provide Northport with credit for these projects.***

Please let us know when it would be convenient to walk through the CJ and discuss the open issues.
If we receive the SEP information quickly, we should also be able to tell Northport what credit it can receive and the penalty amount.

Best regards,

John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Young, Sarah [young.sarah@epa.gov]
Sent: 7/10/2018 1:14:01 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport SEP Memo

Thank you!

-Sarah

From: Mann, Katherine
Sent: Tuesday, July 10, 2018 8:54 AM
To: Young, Sarah <young.sarah@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Memo

Hi Sarah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks for all of your help!

-Katherine

From: Young, Sarah
Sent: Tuesday, July 10, 2018 8:45 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport SEP Memo

Hello,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) & Attorney Work Product (AWP)

Best,
Sarah Young

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/9/2018 8:25:02 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Draft CD
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I'm in the office tomorrow and Thursday and working from home Friday, so let me know if you want to have a quick meeting and review.

Thanks!

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/6/2019 10:17:55 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - call with John

So I spoke to John this afternoon. Wanted to share some additional things with you:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 6/27/2019 7:24:44 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: FW: Northport
Attachments: 3EZ5262-Ltr to Vagelatos Murphy w at.pdf; 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF; Northport - Consent Judgment (DRAFT reflecting 3-14 call with MG).DOCX; 3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 1:23 PM
To: Gallagher, Mark (ENRD) <Mark.Gallagher@usdoj.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Northport

If you can do the call between now and 2, I am available. Otherwise, it will have to be Friday. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Wednesday, June 26, 2019 1:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: FW: Northport

Deborah and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-m

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Wednesday, June 26, 2019 12:22 PM
To: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Cc: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Northport

Hi Mark,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/13/2017 4:14:56 PM
To: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Ex. 6 - Personal Privacy (PP) We'll wait to hear back from you.
Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, February 13, 2017 10:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport

Hi Kara,
Just wanted to drop a quick note. Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP)
John

Sent from my iPhone

On Feb 10, 2017, at 11:32 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Take care,
Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/5/2018 5:08:57 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Comments on Northport CD

Great! Thanks Katherine! Talk to you on Monday.

From: Mann, Katherine
Sent: Friday, January 05, 2018 11:51 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Comments on Northport CD

Hi Kara & Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I think that's all ☺ Talk to you on Monday!

-Katherine

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/10/2018 12:35:47 AM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Ok great, thanks Katherine. Good luck in the field!

From: Mann, Katherine
Sent: Monday, April 09, 2018 8:25 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Ah sorry. I read too quickly. I am in the field the next couple days, but Thursday or Friday Justine and I should both be in!

From: Murphy, Kara
Sent: Monday, April 9, 2018 7:10 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Yes, spoke to Caroline. I went into it in the second paragraph below. If around tomorrow, maybe you, Justine and I can talk. Thanks!

From: Murphy, Kara
Sent: Thursday, April 05, 2018 12:09 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: McKenna, Douglas
Sent: Thursday, April 05, 2018 11:14 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: FW: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Ex. 5 AC/DP

From: Crisafulli, Scott w (DEC) [mailto:scott.crisafulli@dec.ny.gov]
Sent: Thursday, April 05, 2018 9:08 AM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; DiMura, Joseph (DEC) <joseph.dimura@dec.ny.gov>
Subject: RE: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Ex. 5 - Attorney-Client (AC)

From: McKenna, Douglas [mailto:McKenna.Douglas@epa.gov]
Sent: Tuesday, March 27, 2018 4:24 PM
To: DiMura, Joseph (DEC) <joseph.dimura@dec.ny.gov>; Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject: FW: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

[redacted]

Here it is looks longer cause its double spaced…..

Thanks Doug

From: Murphy, Kara
Sent: Tuesday, March 27, 2018 4:01 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, March 27, 2018 3:56 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>

Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport - Consent Judgment (DRAFT 2018-03-27)(For sharing with State Pursuant to Common Interest Doctrine).docx

Kara,
As per our call.
Best,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/26/2018 5:37:31 PM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Appendix B & Update
Attachments: Northport Appendix B_June 26 2018.docx

Hi team –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/10/2017 4:32:04 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: Northport

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Take care,
Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/27/2018 12:13:07 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport SEP Proposal

Hoping he responds to my questions today....

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

---

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Tim gets back on Monday. I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
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>
> <image001.png>
>
> ---
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Friday, February 16, 2018 3:00 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>

Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, after Tim returns from his vacation, the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/4/2018 8:40:19 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - SEP follow-up

FYI

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Wednesday, January 03, 2018 3:45 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - SEP follow-up

Happy New Year. I am in the process of drafting you a letter based on the information that I obtained from the Village on this project. You should have it by the end of this week, beginning of next week.

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Wednesday, January 03, 2018 1:38 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov
Subject: Northport - SEP follow-up

Hi Stuart –

Happy New Year to you and your family.

I'm following up with my client on the new proposed SEP you mentioned during our last call and I wanted to make sure I had all the facts before we respond to you. The proposed SEP would connect 100-150 homes to the main sanitary sewer line. Do you have a copy of the grant that you could forward to us? Who is providing the grant money to Northport? Roughly how much money would be required to finish the project that is not covered by the grant? Is this a project that Northport sought out, or the grantor saw an opportunity? When will this project set to begin? Has any portion of the project begun?

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 10/18/2018 3:41:52 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport

Thanks...again ☺

From: Murphy, Kara
Sent: Thursday, October 18, 2018 11:41 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

Just an fyi – **Ex. 5 - Attorney-Client (AC)**

Ex. 5 - Attorney-Client (AC) Thanks

From: Murphy, Kara
Sent: Tuesday, October 16, 2018 9:40 AM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi John – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/17/2018 3:29:11 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - Revised draft Consent Judgment
Attachments: Northport - Consent Judgment (DRAFT 2018-05-15)(For sharing with Northport).docx

FYI – sorry, just checked this one as well. I'll let him know.

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:39 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport - Revised draft Consent Judgment

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,
As per our call today, I attach a revised draft consent judgment.
I have incorporated the edits we discussed and some commentary, so that you can review this draft with the Board.
As soon as we receive your letter answering the opening questions on the SEPs, we can finalize the penalty amounts and the SEP credits.
We will look for that letter on Friday.
Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Northport Consent Judgment –
DOJ/EPA 5/15/18 responses to Northport comments on March 23, 2018 DRAFT
Confidential Communication
For Settlement Discussion With Northport
Pursuant To Fed. R. Evid. 408
Subject To Further Government Review & Approval

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, Plaintiff, v. VILLLAGE OF NORTHPORT, Defendant.	CIVIL ACTION NO. 18 Civ.

CONSENT JUDGMENT

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I. BACKGROUND

WHEREAS, Plaintiff United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), has filed a complaint ("Complaint") concurrently with this Consent Judgment, against Defendant the Village of Northport located in the State of New York ("Northport") alleging, *inter alia*, that Northport violated Sections 301(a) and 402 of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§ 1301(a) and 1342, by failing to comply with the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems ("MS4"), Permit Identification Number NYR20A303, ("MS4 Permit"), applicable to Northport's MS4 program;

WHEREAS, the Village of Northport is an incorporated village of the Town of Huntington in Suffolk County, New York, and is organized under the laws of New York State. Northport is a "municipality" within the meaning under Section 502(4) of the Act, 33 U.S.C. § 1362(4) and a "person" within the meaning under Section 502(5) of the Act, 33 U.S.C. § 1362(5);

WHEREAS, Northport, located on the North Shore of Long Island, owns and operates Northport's MS4 system which discharges to Northport Harbor, a navigable water of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7);

WHEREAS, under the Act, Northport is required to operate its MS4 system pursuant to an MS4 program that is designed to prevent the discharge of pollutants to waters of the United States;

WHEREAS, Northport recognizes that it is responsible for the care, maintenance and monitoring of the Outfalls, as defined herein, and represents that to the best of its knowledge, it does not own any other active stormwater outfalls;

WHEREAS, the Complaint against Northport alleges that Northport violated the Act by failing to properly implement its MS4 program;

WHEREAS, Northport admits that it did not fully develop and implement a Storm Water Management Program, and was required to do so by January 8, 2008, as required by the MS4 Permit;

WHEREAS, Northport has fully cooperated with the EPA ~~and is currently in compliance with the Storm Water Management Program and its MS4 Permit;~~

Commented [A1]: Northport is not currently in compliance with the SWMP and its MS4 Permit and won't be before the CJ is entered as it has to continue to meet compliance deadlines in the CD. Also, EPA has not done a complete evaluation of Northport's MS4 program, as it doesn't have the information necessary to make that determination.

WHEREAS, ~~in entering into this Consent Judgment, the EPA recognizes the vast improvements~~ Northport has made improvements in its State Pollutant Discharge~~s~~ Elimination System ("SPDES") program, ~~and the~~ including upgrades to its sewer treatment plant;

WHEREAS, the Parties recognize, and the Court by entering this Consent Judgment finds, that the Consent Judgment has been negotiated by the Parties in good faith and will avoid litigation among the Parties and that this Consent Judgment is fair, reasonable, and in the public interest;

NOW, THEREFORE, before the taking of any testimony and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to Section 309(b) and (d) of the Act, 33 U.S.C. § 1319(b) and (d), and pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and over the Parties.

2. Venue lies in this District pursuant to 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and (c) and 1395(a), because Northport is located in this judicial district and the events giving rise to the claims in the Complaint arose in this judicial district.

3. For purposes of this Consent Judgment, or any action or proceeding to enforce this Consent Judgment, Northport consents to the Court's jurisdiction over this Consent Judgment and any such action over Northport, and consents to venue in this judicial district.

4. For purposes of this Consent Judgment, Northport agrees that the Complaint states claims upon which relief may be granted pursuant to Section 309(b) and (d) of the Act, 33 U.S.C. §§ 1319(b) and (d).

III. APPLICABILITY

5. The obligations of this Consent Judgment apply to and are binding upon the United States, and upon Northport and any successors, assigns, or other entities or persons otherwise bound by law.

6. Northport shall provide a copy of this Consent Judgment as well as a summary of applicable requirements of this Consent Judgment to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this Consent Judgment, as well as to any contractor retained to perform work required under this Consent Judgment.

Northport shall condition any such contract upon the performance of the work in conformity with the terms of this Consent Judgment.

7. In any action to enforce this Consent Judgment, Northport shall not raise as a defense the failure by any of its officers, directors, employees, agents or contractors to take any actions necessary to comply with the provisions of this Consent Judgment.

IV. DEFINITIONS

8. Terms used in this Consent Judgment that are defined in the Act, 33 U.S.C. §§ 1251 *et seq.*, or the regulations promulgated thereunder shall have the meanings assigned to them in the Act or such regulations, unless otherwise provided in this Consent Judgment. Whenever the terms set forth below are used in this Consent Judgment, the following definitions shall apply:

a. "**Clean Water Act (CWA)**" or "**Act**" shall mean the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 *et seq.*;

b. "**Complaint**" shall mean the complaint filed by the United States in this action;

c. "**Consent Judgment**" shall mean this decree and all appendices attached hereto and incorporated into this Consent Judgment (listed in Section XXIV), and any modifications made hereto pursuant to Section XVIII (Modification);

d. "**Date of Lodging**" shall mean the date on which a notice of lodging of this Consent Judgment is filed with the Clerk of the Court of the United States District Court for the Eastern District of New York;

e. Unless otherwise indicated, the term "**Day**" or "**Days**" as used herein shall mean a calendar day or days. References to "**business days**" shall mean days of the week other than Saturdays, Sundays, holidays, and days containing half-holidays. In computing any period of time under this Consent Judgment, if the last day would fall on a Saturday, Sunday, or federal holiday, the period shall continue until the next business day;

f. "**Dry Weather Inspections**" shall mean, for purposes of this paragraph, a visual observation and recording, by photographs, of the Outfalls to determine whether there is an indication of discharges not entirely composed of stormwater. Dry Weather Inspections shall be performed at a time when there has been no rainfall or snowmelt in the Village of Northport, New York for the preceding 48 hours according to the National Weather Service;

g. "**Dry Weather Sampling**" shall mean the taking of samples of any discharged liquids from the Outfalls at a time when there has been no rainfall or snowmelt in the Village of Northport, New York for the preceding 48 hours according to the National Weather Service;

h. "**Effective Date**" shall mean that date described in Section XVI (Effective Date);

i. "**EPA**" shall mean the United States Environmental Protection Agency and any of its successor departments or agencies;

j. "**Minimum Control Measures**" shall mean 1. Public Education and Outreach, 2. Public Involvement and Participation, 3. Illicit Discharge Detection and Elimination, 4. Construction Site Stormwater Runoff Control, 5. Post-Construction Stormwater Management, and 6. Pollution Prevention / Good Housekeeping for Municipal Operations, and the various components required under each, as described in the MS4 Permit;

k. "**MS4 Permit**" shall mean the most current version of the NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, as defined by the present general permit number, GP-0-15-003, or, if applicable, the general permit number designated upon the renewal of the present permit;

l. "**Northport**" shall mean the Village of Northport;

m. **"Outfalls"** shall mean the seventeen~~nineteen~~ active stormwater outfalls owned by the Village of Northport and identified on the attached Appendix A;

Commented [A2]: In February 2017, Northport provided a Map and Table identifying 19 outfalls. The Table lists the location of the 19 outfalls, but we're unable to identify which of the 19 listed outfalls are located at State Road 25A and are owned by the State.

If Northport wants us to reduce the list/table to 17 outfalls, please produce an updated table and map, which we will include in the CJ as Appendix A, by May 14, 2018.

n. **"Paragraph"** shall mean a portion of this Consent Judgment identified by an Arabic numeral;

o. **"Parties"** shall mean the United States and Northport;

p. "**Plan of Study**" shall mean the Village's illicit discharge detection and elimination ("IDDE") trackdown procedure dated February 27, 2013, which was approved by EPA by letter dated April 30, 2013 (*See* Appendix C);

q. **"Section"** shall mean a portion of the Consent Judgment identified by a roman numeral;

r. "**SPDES**" shall mean State Pollutant Discharge Elimination System, as established by 33 U.S.C. § 1342;

s. **"United States"** shall mean the United States of America, acting on behalf of the EPA;

t. "**Wet Weather Sampling**" shall mean the taking of samples of any discharged liquids from the Outfalls at a time when there has been rainfall or snowmelt in the Village of Northport, New York that produces measurable runoff to the MS4.

V. COMPLIANCE REQUIREMENTS

9. Northport shall fully comply with the terms and conditions of the most current version of the MS4 Permit, including more frequent outfall inspections and sampling should the requirements in the Permit renewal be more stringent than the inspection and sampling program set forth in Paragraph 10, below.

10. Outfall Inspections and Sampling.

a. Dry Weather Inspections. No later than 30~~15~~ Days after the Effective Date, or if there is persistent rainfall or snowmelt within that 30~~15~~ Day period, within three~~one~~ Days after the first 48 hours that there has been no rainfall or snowmelt in the Village of Northport, New York according to the National Weather Service, Northport shall complete a first set of Dry Weather Inspections at the Outfalls and document the results in a report. Thereafter, Northport shall perform a second set of Dry Weather Inspections of the

Commented [A3]: We are agreeable to extending the time to 30 days, as per your request.

Commented [A4]: As per our conversation, Northport will have three days from the time when there has been 48 hours with no rain. In other words, at the time of sampling, there should not have been any rain in the preceding 48 hours.

Outfalls within one year after completing the first set of Dry Weather Inspections, and document the results of those Dry Weather Inspections in a report.

b. Dry Weather Sampling. If, during a Dry Weather Inspection of the Outfalls as required by Paragraph 10(a) above, Northport detects a liquid outflow, it shall perform Dry Weather Sampling as soon as practicable but no later than 48 hours after identifying such dry weather flow. Northport shall document the results of any Dry Weather Sampling in a report.

Commented [A5]: IN other words, if Northport sees a Dry Weather flow, they should sample it either immediately or as soon as possible, but not later than 48 hours.

c. Wet Weather Sampling. No later than 30~~15~~ Days after the Effective Date, or if there is no rainfall within that 30~~15~~ Day period, within one Day of the first rainfall after the Effective Date, Northport shall have performed a first set of Wet Weather Sampling of the Outfalls and document the results in a report. Thereafter, based on the first set of results of Wet Weather Sampling, Northport shall perform another set of Wet Weather Sampling at outfalls that require subsequent investigation(s), in accordance with the Plan of Study and/or the trackdown procedures set forth in Paragraph 11, below, and document the results in a report.

Commented [A6]: No need for tide language as (1) there is a low tide daily, and (2) the low tide occurs at roughly the same time each day, so providing an extra few days isn't going to change what time low tide occurs.

In addition, after initial sampling, we don't require a specific time frame for subsequent sampling.

Commented [A7]: Northport, has this been completed already?

11. Trackdown. Upon receipt of any Dry Weather Sampling or Wet Weather Sampling results with a median most probable number ("MPN") value in any series of representative samples in excess of 70 MPN per 100 milliliters for Total Coliforms, Northport

shall implement trackdown procedures in accordance with paragraphs 4 to 8 of the Plan of Study (*See* Appendix C) (and associated subparagraphs) for each applicable outfall ("Priority Outfall").

Commented [A8]: The "70 MPN per 100 milliliters" language is taken from Northport's own POS, which was approved. **It's a number from the WQS for Northport Harbor.**

Northport also argues that "We have also informed you that the pipe on main street usually comes up 'hot' and we have exhausted all of our options. This has been previously acknowledged and [Northport] would like that pipe excepted from the trackdown."

They also ask "What happens if we can't eliminate the identified illicit discharge?... We also need to discuss money with regard to this."

We have tried to address those contingencies below, by adding the tracked language.

a. Northport shall commence implementation of trackdown procedures as soon as practicable but no later than 15 Days after the Date of Entry, or 15 Days after receipt of Sampling results, whichever is later.

b. Northport shall maintain dated, detailed documentation of all activities performed under the Plan of Study for each Priority Outfall.

c. For each Priority Outfall, upon complete implementation of the trackdown procedures in the Plan of Study, including necessary corrective action(s), Northport shall perform another set of Wet Weather Sampling and document the results in a report.

d. Northport shall continue to implement the trackdown procedures in its Plan of Study for each Priority Outfall until the following is completed and documentation is provided to EPA pursuant to Section IX (Reporting Requirements):

    1. Documentation demonstrating that Northport has completed a thorough trackdown investigation in accordance with the Plan of Study, including the elimination of identified illicit discharge(s);

    2. Another set of Wet Weather Sampling results that demonstrate the effectiveness of the corrective action(s); and

3. A signed certification statement from Northport's Stormwater Management Officer that either (i.) all potential sources of illicit discharges to the Priority Outfall have been investigated and eliminated, or (ii.) all potential sources of illicit discharges to the Priority Outfall have been investigated and, nonetheless, Northport had been unable to identify and eliminate the sources of the illicit discharges, and thereafter, EPA, in its sole discretion, provides written notice to Northport that it may terminate its trackdown procedures outlined in its Plan of Study for that Priority Outfall.

e. For each Priority Outfall, upon EPA's confirmation of receipt of the three items in Paragraph 11(d) above, Northport shall thereafter address illicit discharges through implementation of its Illicit Discharge Detection and Elimination program, including trackdown procedures, as required by the MS4 Permit and in accordance with its Approved Storm Water Management Program Plan.

~~e.~~f. The Parties agree that Northport has completed its trackdown procedures outlined in its Plan of Study with regard to the priority outfall on Main Street, marked on the accompanying Appendix B by the designation "MSPO" (Main Street Priority Outfall), and that, in its discretion, EPA has notified Northport that it may terminate trackdown procedures as outlined in its Plan of Study.

Commented [A9]: EPA is willing to provide this explicit statement that the trackdown procedures are complete, contingent on Northport's providing a certification as per 11.d.3.ii above.

12. Storm Water Management Program Plan. Within 180 Days of the Effective Date, Northport shall submit to EPA for approval an updated revised Storm Water Management Program Plan. The Storm Water Management Program Plan shall include a detailed written explanation of all management practices, activities and other techniques Northport has developed, planned or implemented to address pollutants of concern and reduce the discharge of pollutants from its MS4 to the maximum extent practicable, including Village-specific practices, policies and procedures addressing all six Minimum Control Measures and additional requirements for MS4s discharging to Pathogen Impaired Watershed Improvement Areas, as defined in the MS4 Permit. In addition to the requirements outlined above:

Commented [A10]: Northport would like the opportunity to prepare and submit the revised SWMP plan for EPA approval prior to the submission of the Consent to the Court.

EPA is willing to receive the updated SWMP Plan as soon as it is ready, but is not willing to delay the submission of the CJ until the updated SWMP Plan is approved. If Northport wants to pursue this, they should submit a proposed SWMP plan as soon as practicable.

a. Northport shall, as a component of Minimum Control Measure 3 (Illicit Discharge Detection and Elimination), identify Priority Outfalls, which at a minimum shall include outfalls where Dry Weather Sampling results or Wet Weather Sampling results required subsequent trackdown investigation(s) that are ongoing as of the Date of Entry. Northport shall include provisions in its Storm Water Management Program Plan to conduct Dry Weather Inspections at the Priority Outfalls at a minimum frequency of once per year.

b. Northport shall, as a component of Minimum Control Measure 3 (Illicit Discharge Detection and Elimination), develop a web-based complaint tool that allows members of the public to request information or submit complaints related to potential illicit discharges to the MS4.

c. Northport shall commence implementation of all aspects of the Storm Water Management Program Plan within 30 Days of EPA approval.

d. Northport shall continue to update the Storm Water Management Program Plan in accordance with any applicable deadlines set forth in the most current version of the MS4 Permit.

Commented [A11]: Again, Northport says they "want to set the plan first prior to any consent being sent to Court."

Northport can submit its plan at any point in time including as we negotiate this agreement, but we're not holding up the CJ for a determination. Northport should proceed now if it wants approval before submission of the CJ to the court.

13. The compliance requirements of this Consent Judgment do not relieve Northport of any compliance obligations required by the Act or its implementing regulations, or by any other federal or state law, regulation, permit, or other requirement.

14. Approval of Deliverables: After review of any plan, report, or other item that is required to be submitted pursuant to this Consent Judgment, EPA shall in writing: (a) approve the submission; (b) approve the submission upon specified conditions; (c) approve part of the submission and disapprove the remainder; or (d) disapprove the submission.

Commented [A12]: The POS has already been approved.

15. If the submission is approved pursuant to Paragraph 14(a), Northport shall take all actions required by the plan, report, or other document, in accordance with the schedules and requirements of the plan, report, or other document, as approved. If the submission is conditionally approved or approved only in part pursuant to Paragraph 14(b) or (c), Northport shall, upon written direction from EPA, take all actions required by the approved plan, report, or other item that EPA determines are technically severable from any disapproved portions, subject to Northport's right to dispute only the specified conditions or the disapproved portions, under Section XI (Dispute Resolution).

16. If the submission is disapproved in whole or in part pursuant to Paragraph 14(c) or (d), Northport shall, within 45 Days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the plan, report, or other item, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is approved in whole or in part, Northport shall proceed in accordance with the preceding Paragraph 15.

17. Any stipulated penalties applicable to the original submission, as provided in Section IX (Stipulated Penalties), shall accrue during the 45 Day period or other specified period, but shall not be payable unless the resubmission is untimely or is disapproved in whole or in part; provided that, if the original submission was so deficient as to constitute a material breach of Northport's obligations under this Consent Judgment, the stipulated penalties applicable to the original submission shall be due and payable notwithstanding any subsequent resubmission.

18. If a resubmitted plan, report, or other item, or portion thereof, is disapproved in whole or in part, EPA may again require Northport to correct any deficiencies, in accordance with the preceding Paragraphs, or may itself correct any deficiencies, subject to Northport's right to invoke Dispute Resolution procedures set forth in Section XI (Dispute Resolution) and the right of EPA to seek stipulated penalties as provided in the preceding paragraphs and Section IX (Stipulated Penalties).

19. Permits. Where any compliance under this Section requires Northport to obtain a federal, state, or local permit or approval, Northport shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals.

Northport may seek relief under the provisions of Section X (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if Northport has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT

20. Northport shall implement the supplemental environmental project (SEP) described in Appendix B, involving [TBD].

21. Northport is responsible for the satisfactory completion of the SEP in accordance with the requirements of this Consent Judgment. "Satisfactory completion" means, at a minimum, performing tasks identified in Appendix B, which includes a Phase I Sub-watershed Assessment, Phase II Development of Conceptual Drainage Improvement, and Phase III Implementation of the SEP. Northport may use contractors or consultants in planning and implementing the SEP.

Commented [A13]: Northport says they "need further explanation and understanding of Appendix B. [They] also want further discussion with [us] regarding cost and offset of SEP."

Appendix B is the 2/2/17 document Northport provided EPA for review of its raingardens.

We also need an update on the project and costs in order to finalize our feedback and determination.

22. With regard to the SEP, Northport certifies the truth and accuracy of each of the following:

a. that all cost information provided to EPA in connection with EPA's approval of the SEP is complete and accurate, and that Northport, in good faith, estimates that the cost of the SEP is $[TBD].

b. that, as of the date of executing this Consent Judgment, Northport is not required to perform or develop the SEP by any federal, state, or local law or

regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

c. that the SEP is not a project that Northport was planning or intending to construct, perform or implement other than in settlement of the claims resolved in this Consent Judgment;

d. that Northport has not received and will not receive credit for the SEP in any other enforcement action; and

e. that Northport will not receive any reimbursement for any portion of the SEP from any other person or entity;

f. that Northport is not a party to any open federal financial assistance transaction that is funding or could fund the same activities as the SEP described in Paragraph 20 and Appendix B. For purposes of this certifications, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not yet expired.

23. SEP Completion Report: Within 60~~30~~ Days after the date set for completion of the SEP, Northport shall submit a SEP Completion Report to the United States, in accordance with Section XV (Notices). The SEP Completion Report shall contain the following information:

a. a detailed description of the SEP as implemented;

b. a description of any problems encountered in completing the SEP and the solutions thereto;

c. an itemized list of all SEP costs expended;

d. certification that the SEP has been fully implemented pursuant to the provisions of this Consent Judgment; and

e. a description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible).

24. EPA may, in its sole discretion, require information in addition to that described in the preceding Paragraph, in order to evaluate Northport's SEP Completion Report.

25. After receiving the SEP Completion Report, the United States shall notify Northport whether or not Northport has satisfactorily completed the SEP. If Northport has not satisfactorily completed the SEP in accordance with this Consent Judgment, stipulated penalties may be assessed as set forth in Section IX (Stipulated Penalties) Consent Judgment.

26. Disputes concerning the satisfactory performance of the SEP and the amount of eligible SEP costs may be resolved under Section XI (Dispute Resolution). No other disputes arising under this Section shall be subject to Dispute Resolution.

27. Each submission required under this Section shall be signed by an official with knowledge of the SEP and shall bear the certification language set forth in Paragraph 35.

28. Public Statements. Any public statement, oral or written, in print, film, or other media, made by Northport making reference to the SEP under this Consent Judgment shall

include the following language: "This project was undertaken in connection with the settlement of an enforcement action, *United States v. Village of Northport*, taken on behalf of the U.S. Environmental Protection Agency under the Clean Water Act."

Commented [A14]: Northport asks "Why?"

This is standard language in environmental cases required by the DOJ and EPA.

It is required under the EPA SEP policy guidance (page 26).

VII. REPORTING REQUIREMENTS

Commented [A15]: Northport says "This seems to be duplicative."

Answer: It is not. This is standard language concerning reporting time frames. Paragraphs 10-12 only talk about when to sample, not when to report. This sets timetables for reporting.

29. Northport shall submit to EPA all of the reports that are required to be generated pursuant to Paragraphs 10 to 12. The obligation that such reports be submitted to EPA shall be in accordance with the following schedule:

(a) Northport shall submit a report of the results of the Dry Weather Inspections required by Paragraph 10(a) within 30 Days after the inspections are performed;

(b) Northport shall submit a report of the results of the Dry Weather Sampling required by Paragraph 10(b) within 30 Days after the Sampling is performed;

(c) Northport shall submit a report of the first set of results of Wet Weather Sampling of the Outfalls required by Paragraph 10(c) within 15 Days of the Effective Date, or, within 30 Days after the Sampling is performed, whichever is later;

(d) Northport shall submit a report of the results of any subsequent Wet Weather Sampling required by Paragraphs 10(c) and 11(c) within 30 Days after the Sampling is performed.

(e) Northport shall submit documentation required by Paragraphs 11(d)(1-3) within 30 Days after all potential sources of illicit discharges to the Priority Outfalls have been investigated and eliminated.

(f) Northport shall submit to EPA annually, on or before the anniversary of the Effective Date, a copy of the updated revised Storm Water Management Program Plan that incorporates the revisions required by Paragraph 12(d) that were made in the previous 365-Day period.

30. Quarterly Reports. Within 30 Days after the end of each quarter (i.e., by April 30, July 30, October 30, and January 30) after the Effective Date, until termination of this Consent Judgment pursuant to Section XIX (Termination), Northport shall submit in writing to the United States and EPA a quarterly report (Quarterly Report) for the preceding quarter that shall include:

Commented [A16]: Northport writes: "Do we use our own forms or forms that you provide?"

There are no set forms. Northport can just lay out in letter format the information required by the Quarterly Reports as explicitly listed below.

a. A description of the work completed during the preceding three months identified in Section V (Compliance Requirements), including (i) status of any compliance measures, (ii) completion of milestones, (iii) problems encountered or anticipated, together with implemented or proposed solutions, (iv) operation and maintenance, (v) status of permit applications; and (vi) reports to State agencies;

b. The status of efforts to complete the SEP (Section VI) (Supplemental Environmental Project), including a narrative description of activities undertaken, and addressing: (i) permitting, (ii) funding, (iii) approval of plans, (iv) approvals from the Northport Village Treasurer, (v) bids, (vi) contracting,

Commented [A17]: Northport also asks "Why does the Village Treasurer have to approve?"

We need to know that the expenditures have been approved, separate from the plans being approved. We're not saying that the Treasurer has to approve all SEP plans, but someone has to have authority to approve the release of funds for major municipal expenditures. Who is that for Northport?

(vii) work performed, (viii) problems encountered or anticipated, together with implemented or proposed solutions, (ix) description of each milestone completed during the relevant quarterly period and the applicable deadlines for such milestones; (x) the status of achievement of each milestone, (xi) a description of any work that was due, but not completed, and (xii) a summary of costs incurred since the previous report;

c. A description of the work planned for the subsequent three-month period, and addressing each of the items listed in subparagraph 30(a);

d. A description of any requirements of this Consent Judgment which were not complied with, the dates of such non-compliance, and an explanation of the violation's likely cause and the remedial steps taken, or to be taken, to prevent or minimize such violation; and

e. If Northport has already submitted a deliverable to the EPA and/or the United States, Northport shall in the Quarterly Report reference that deliverable and its date of submission.

31. The Parties shall meet as needed, on at least a semi-annual basis, to discuss the Quarterly Reports and Northport's ongoing progress towards implementation of the Consent Judgment.

32. If Northport violates, or has reason to believe that it may violate, any requirement of this Consent Judgment, Northport shall notify the United States of such violation and its likely duration, in writing, within ten working Days of the Day Northport first becomes aware of the

violation, with an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be fully explained at the time the report is due, Northport shall so state in the report. Northport shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the violation, within 30 Days of the Day Northport becomes aware of the cause of the violation. Nothing in this Paragraph or the following Paragraph relieves Northport of its obligation to provide the notice required by Section X (Force Majeure).

33. Whenever any violation of this Consent Judgment or any other event affecting Northport's performance under this Consent Judgment may pose an immediate threat to the public health or welfare or the environment, Northport shall notify EPA orally or by electronic or facsimile transmission as soon as possible, but no later than 24 hours after Northport first knew of the violation or event. This procedure is in addition to the requirements set forth in the preceding Paragraph.

34. All reports shall be submitted to the persons designated in Section XV (Notices).

35. All Quarterly Reports, any other report, notice, protocol, plan, or any other document submitted by Northport under this Section shall be signed by an official of Northport and include the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

36. This certification requirement does not apply to emergency or similar notifications where compliance would be impractical.

37. The reporting requirements of this Consent Judgment do not relieve Northport of any reporting obligations required by the Act or its implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

38. Any information provided pursuant to this Consent Judgment may be used by the United States in any proceeding to enforce the provisions of this Consent Judgment and as otherwise permitted by law.

VIII. CIVIL PENALTY

39. Within thirty (30) Days after the Effective Date, Northport shall pay the sum of $[TBD] as a civil penalty.

Commented [A18]: Northport is asking about a pay over time provision. Let's table the discussion until after the penalty is finalized.

They request further discussion on SEP, which we can have once they've submitted all paperwork and we've completed our analysis.

They ask if the violation provisions can be reduced. These are standard, and I don't think we should lower the dollar amounts. If they comply, there are no violation penalties.

40. Northport shall pay the civil penalty due at https://www.pay.gov to the United States Department of Justice ("DOJ") account, in accordance with instructions provided to Northport by the Financial Litigation Unit ("FLU") of the United States Attorney's Office for the Eastern District of New York after the Effective Date (Section XVI). The payment instructions provided by the FLU shall include a Consolidated Debt Collection System ("CDCS") number, which Northport shall use to identify all payments required to be made in accordance with this Consent Judgment. The United States shall provide the payment instructions within ten Days of the Effective Date via e-mail to the Northport Village Treasurer at [Address, Phone Number, Email Address] on behalf of Northport. Northport may change the individual to receive payment

Commented [A19]: Northport to identify appropriate contact information.

instructions on its behalf by providing written notice of such change to DOJ and EPA in accordance with Section XV (Notices).

41. At the time of payment, Northport shall send notice that payment has been made: (i) to the EPA Cincinnati Finance Office by e-mail at acctsreceivable.cinwd@epa.gov or via regular mail at EPA Cincinnati Finance Office, 26 Martin Luther King Drive, Cincinnati, Ohio 45268; (ii) to the United States by e-mail or regular mail in accordance with Section XV (Notices); and (iii) to EPA by mail in accordance with Section XV (Notices). Such notice shall reference the CDCS Number, USAO number 2014V01570, and DOJ case number _____.

IX. STIPULATED PENALTIES

42. Northport shall be liable for stipulated penalties to the United States for violations of this Consent Judgment as specified below, unless excused under Section X (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Consent Judgment, including any work plan or schedule approved under this Consent Judgment, according to all applicable requirements of this Consent Judgment and within the specified time schedules established by or approved under this Consent Judgment.

43. Late Payment of Civil Penalty. If Northport fails to pay the civil penalty required to be paid pursuant to Section VIII (Civil Penalty) when due, Northport shall pay a stipulated penalty of $500 per Day for each Day that the payment is late.

44. Compliance Requirements.

a. The following stipulated penalties shall accrue per violation per Day for each violation of the requirements identified in Section V (Compliance Requirements):

Penalty Per Violation Per Day	Period of Noncompliance
$500.00	1st through 30th Day
$1,000.00	31st through 59th Day
$2,000.00	60th Day and beyond

45. Reporting Requirements. The following stipulated penalties shall accrue per violation per Day for each violation of the reporting requirements set forth in Section VII (Reporting Requirements) as well as the SEP Completion Report, as set forth in Paragraph 23:

Penalty Per Violation Per Day	Period of Noncompliance
$300.00	1st through 30th Day
$500.00	31st through 59th Day
$2,000.00	60th Day and beyond

The total amount of stipulated penalties due for a period of noncompliance for providing the SEP Completion Report, as set forth in Paragraph 23, shall not exceed $[TBD].

46. SEP Compliance.

a. If Northport fails to satisfactorily complete the SEP by the deadline set forth in Paragraph 23 (one year from the Effective Date), Northport shall pay stipulated penalties for each day for which it fails to satisfactorily complete the SEP, as follows:

Penalty Per Violation Per Day	Period of Noncompliance
$300.00	1st through 30th day
$500.00	31st through 59th day
$1,000.00	60th day and beyond

b. If Northport fails to implement the SEP in accordance with the provisions of this Consent Judgment, or halts or abandons work on the SEP, Northport shall pay a stipulated penalty in the amount of $[TBD]. The penalty under this sub-paragraph shall accrue as of the date specified for completing the SEP or the date performance ceases, whichever is earlier.

47. Except as otherwise specified in subparagraph 46(b), stipulated penalties under this Section shall begin to accrue on the Day after performance is due or on the Day that a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated penalties shall accrue simultaneously for separate violations of this Consent Judgment.

48. Northport shall pay any stipulated penalty within 30 Days of receiving the United States' written demand.

49. The United States may in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due it under this Consent Judgment.

50. Stipulated penalties shall continue to accrue as provided in this Section during any Dispute Resolution (Section XI), but need not be paid until the following:

a. If the dispute is resolved by agreement of the Parties or by a decision of EPA that is not appealed to the Court, Northport shall pay accrued penalties determined to be owing, together with interest, to the United States within 30 Days of the effective date of the Parties' agreement or the receipt of EPA's decision or order;

b. If the dispute is appealed to the Court and the United States prevails in whole or in part, Northport shall pay all accrued penalties determined by the Court to be owing, together with interest, within 60 Days of receiving the Court's decision or order, except as provided in subparagraph c., below; and

c. If any Party appeals the Court's decision and the United States prevails in whole or in part, Northport shall pay all accrued penalties determined to be owing, together with interest, within 15 Days of receiving the final appellate court decision.

51. Obligations Prior to the Effective Date. Upon the Effective Date (Section XVI), the stipulated penalty provisions of this Consent Judgment shall be retroactively enforceable with regard to any and all violations of Sections V (Compliance Requirements) and VI (Supplemental Environmental Project), and Appendix B, that may have occurred between the Date of Lodging and the Effective Date.

52. Northport shall pay stipulated penalties owing to the United States in the manner set forth and with the confirmation notices required by Paragraph 41, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid.

53. If Northport fails to pay stipulated penalties according to the terms of this Consent Judgment, Northport shall be liable for interest on such penalties, as provided for in 28 U.S.C. § 1961, accruing as of the date payment became due. Nothing in this Section shall be construed to

limit the United States from seeking any remedy otherwise provided by law for Northport's failure to pay any stipulated penalties.

54. Non-Exclusivity of Remedy. Subject to the provisions of Section XIII (Effect of Settlement/Reservation of Rights), the stipulated penalties provided for in this Consent Judgment shall be in addition to any other rights, remedies, or sanctions available to the United States for Northport's violation of this Consent Judgment or applicable law. Where a violation of this Consent Judgment is also a violation of the Act, Northport shall be allowed a credit, for any stipulated penalties paid, against any statutory penalty imposed for such violation.

X. FORCE MAJEURE

55. "Force majeure," for purposes of this Consent Judgment, is defined as any event arising from causes beyond the control of Northport, of any entity controlled by Northport, or of Northport's contractors, that delays or prevents the performance of any obligation under this Consent Judgment despite Northport's best efforts to fulfill the obligation. The requirement that Northport exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure and best efforts to address the effects of any potential force majeure event (a) as it is occurring, and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force majeure" does not include Northport's financial inability to perform any obligation under this Consent Judgment.

56. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Judgment, whether or not caused by a force majeure event, Northport shall provide notice orally, and by electronic transmission and certified mail to the

United States and EPA, in accordance with the notice provisions of Section XV (Notices), within 72 hours of when Northport first knew or should have known that the event might cause a delay. Within seven Days thereafter, Northport shall provide in writing to the United States and EPA an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Northport's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Northport, such event may cause or contribute to an endangerment to public health, welfare or the environment. Northport shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure event. Failure to comply with the above requirements shall preclude Northport from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. Northport shall be deemed to know of any circumstance of which Northport, any entity controlled by Northport, or Northport's contractors knew or should have known.

57. If EPA agrees that the delay or anticipated delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Judgment that are affected by the force majeure event will be extended by EPA for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for

performance of any other obligation. EPA will notify Northport in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

58. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify Northport in writing of its decision.

59. If Northport elects to invoke the dispute resolution procedures set forth in Section XI (Dispute Resolution), with regard to a force majeure determination, it shall do so no later than 21 Days after receipt of EPA's written notice. In any such proceeding, Northport shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Northport complied with the requirements of this Section of the Consent Judgment. If Northport carries this burden, the delay at issue shall be deemed not to be a violation by Northport of the affected obligations of this Consent Judgment identified to the EPA and the Court.

XI. DISPUTE RESOLUTION

60. Unless otherwise expressly provided for in this Consent Judgment, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Judgment. Northport's failure to seek resolution of a dispute under this Section shall preclude Northport from raising any such issue as a defense to an action by the United States to enforce any obligation of Northport arising under this Consent Judgment.

61. Informal Dispute Resolution. Any dispute subject to Dispute Resolution under this Consent Judgment shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when Northport sends the United States a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 30 Days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the United States shall be considered binding unless, within 14 Days after the conclusion of the informal negotiation period, Northport invokes the formal dispute resolution procedures as set forth below.

62. Formal Dispute Resolution. Northport shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by serving on the United States a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting Northport's position and any supporting documentation relied upon by Northport.

63. The United States shall serve its Statement of Position upon Northport within 45 Days of receipt of Northport's Statement of Position. The United States' Statement of Position shall include, but need not be limited to, factual data, analysis, or opinion supporting that position and supporting documentation relied upon by the United States. The United States' Statement of Position shall be binding on Northport, unless Northport files a motion for judicial review of the dispute, in accordance with the following Paragraph.

64. Northport may seek judicial review of the dispute by filing with the Court and serving on the United States, in accordance with Section XV (Notices), a motion requesting judicial resolution of the dispute. The motion (or, if the Court requires the filing of a pre-motion letter before the filing of a motion, pre-motion letter) must be filed within 30 Days of receipt of the United States' Statement of Position pursuant to the preceding Paragraph. The motion shall contain a written statement of Northport's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Judgment.

65. The United States shall respond to Northport's motion within the time period allowed by the Local Rules of this Court or by Court order modifying such time period. Northport may file a reply memorandum, to the extent permitted by the Local Rules, or by Court order.

66. Standard of Review.

a. Disputes Concerning Matters Accorded Record Review. Except as otherwise provided in this Consent Judgment, in any dispute brought under Paragraph 62 pertaining to the adequacy or appropriateness of Northport's submissions or filings, schedules or any other items requiring approval by EPA under this Consent Judgment; the adequacy of the performance of work undertaken pursuant to this Consent Judgment; and all other disputes that are accorded review on the administrative record under applicable principles of

administrative law, Northport shall have the burden of demonstrating, based on the administrative record, that the position of the United States is arbitrary and capricious, or otherwise not in accordance with law.

b. Other Disputes. Except as otherwise provided in this Consent Judgment, in any other dispute brought under Paragraph 62, Northport shall bear the burden of proving that its position complies with this Consent Judgment and better furthers the objectives of this Consent Judgment.

67. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of Northport under this Consent Judgment, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first Day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 50. If Northport does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section IX (Stipulated Penalties).

XII. INFORMATION COLLECTION AND RETENTION

68. The United States and its representatives, including attorneys, contractors, and consultants, shall have the right of entry into the MS4 system covered by this Consent Judgment, at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Consent Judgment;

b. verify any data or information submitted to the United States in accordance with the terms of this Consent Judgment;

c. obtain samples and, upon request, splits of any samples taken by Northport or its representatives, contractors or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess Northport's compliance with the Consent Judgment.

69. Upon request, Northport shall provide EPA or its authorized representatives splits of any samples taken by Northport. Upon request, EPA shall provide Northport splits of any samples taken by EPA.

70. Until five years after the termination of this Consent Judgment, Northport shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to Northport's performance of its obligations under this Consent Judgment. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the United States or EPA, Northport shall provide copies of any non-privileged documents, records, or other information required to be maintained under this Paragraph to the United States and EPA.

71. For purposes of this Section and Section IX (Stipulated Penalties), Northport shall be required to preserve at least the following records, logs, and documents:

a. Dry Weather Inspection records, including date, time, weather conditions (including precipitation data for the preceding 48 hours), personnel involved, and photographs;

b. Dry Weather Sampling results, including date, time, weather conditions (including precipitation data for the preceding 48 hours), personnel involved, and laboratory data;

c. Wet Weather Sampling results, including date, time, weather conditions (including precipitation data for the preceding 48 hours), personnel involved, and laboratory data;

d. Detailed documentation of all illicit discharge trackdown activities, including a written description of the investigation(s) performed, date initiated, equipment used, personnel involved, and findings (including photographs, video footage, and results of sampling and field testing, as applicable);

e. Documentation of completed corrective actions made in response to illicit discharge trackdown investigation(s), including photographs, completion reports, invoices, etc.;

f. Computerized or other written maintenance management system files in which MS4 maintenance information is loaded or otherwise recorded including job orders for corrective or preventive maintenance for the MS4;

g. The Storm Water Management Program Plan, including any revisions thereto; and

h. The Storm Water Management Program Plan revision log.

72. At the conclusion of the information-retention period provided in Paragraph 70, Northport shall notify the United States at least 90 Days prior to the destruction of any documents, records, or other information subject to the requirements of Paragraph 70 and, upon request by the United States, Northport shall deliver any such documents, records, or other information to EPA. Northport may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If Northport asserts such a privilege, it shall provide the following: (a) the title of the document, record, or information; (b) the date of the document, record, or information; (c) the name and title of each author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the subject of the document, record, or information; and (f) the privilege asserted by Northport. However, no documents, records, or other information created or generated pursuant to the requirements of this Consent Judgment shall be withheld on grounds of privilege.

73. This Consent Judgment in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States or EPA pursuant to applicable laws, regulations, or permits, nor does it limit or affect any duty or obligation of Northport to maintain documents, records, or other information imposed by applicable laws, regulations, or permits.

XIII. EFFECT OF SETTLEMENT/RESERVATIONS OF RIGHTS

74. This Consent Judgment resolves the civil claims of the United States for the violations alleged in the Complaint filed in this action through the Date of Lodging.

75. Reservation of Rights. The United States reserves all legal and equitable remedies available to enforce the provisions of this Consent Judgment, except as expressly stated in the preceding Paragraph 74. This Consent Judgment shall not be construed to limit the rights of the United States to obtain penalties or injunctive relief under the Act or implementing regulations, or under other laws, regulations, or permit conditions except as expressly specified in the preceding Paragraph 74. The United States further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, Northport, whether related to the violations addressed in this Consent Judgment or otherwise.

76. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, civil penalties, or other appropriate relief relating to Northport's violations, Northport shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, *res judicata*, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses, based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to Paragraph 74.

77. This Consent Judgment is not a permit, or a modification of any permit, under any federal, state, or local laws or regulations. Northport is responsible for achieving and maintaining complete compliance with all applicable federal, state, and local laws, regulations,

and permits; and Northport's compliance with this Consent Judgment shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States does not, by its consent to the entry of this Consent Judgment, warrant or aver in any manner that Northport's compliance with any aspect of this Consent Judgment will result in compliance with any provision of the Act, or with any other provisions of federal, state, or local laws, regulations, or permits.

78. Nothing in the Consent Judgment limits the rights or defenses available under Section 309(e) of the CWA, 33 U.S.C. § 1319(e).

79. This Consent Judgment does not limit or affect the rights of Northport or of the United States against any third parties, not party to this Consent Judgment, nor does it limit the rights of third parties, not party to this Consent Judgment, against Northport, except as otherwise provided by law.

80. This Consent Judgment shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Judgment.

XIV. COSTS

81. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by Northport.

XV. NOTICES

82. Unless otherwise specified in this Consent Judgment, whenever notifications, submissions, or communications are required by this Consent Judgment, they shall be made in writing, include a reference to the case name, caption and docket number of this action, and sent by electronic and certified mail, return receipt requested, as follows:

As to the United States by email:	eescasemanagement_enrd@usdoj.gov Re: DJ #
As to the United States by mail:	John Vagelatos Assistant United States Attorney United States Attorney's Office Eastern District of New York 271 Cadman Plaza East, 7th Floor Brooklyn, NY 11201 Chief, Environmental Enforcement Section Environmental and Natural Resources Division U.S. Department of Justice P.O. Box 7611 Washington, D.C. 20044-7611 Re: DJ #
As to EPA:	Phyllis Feinmark, Chief Water and General Law Branch Office of Regional Counsel U.S. Environmental Protection Agency, Region 2 290 Broadway, 16th Floor New York, NY 10007 feinmark.phyllis@epa.gov Douglas McKenna, Chief Water Compliance Branch U.S. Environmental Protection Agency, Region 2 290 Broadway, 20th Floor New York, NY 10007 Mckenna.douglas@epa.gov
As to Northport:	Northport Village Clerk 224 Main Street

Northport, New York 11768
NPTClerk@optonline.net

Stuart P. Besen
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 1176
sbesen@milbermakris.com

83. Any Party may, by written notice to the other Party, change its designated notice recipient or notice address provided above.

84. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, unless otherwise provided in this Consent Judgment or by mutual agreement of the Parties in writing.

85. Documents required to be submitted under the terms of this Consent Judgment may be submitted electronically to all parties required to receive the documents, provided a paper copy is timely submitted to the Chief of the Water Compliance Branch and Chief of the Water and General Law Branch.

XVI. EFFECTIVE DATE

86. The "Effective Date" of this Consent Judgment shall be the date upon which this Consent Judgment is entered by the Court or a motion to enter the Consent Judgment is granted, whichever occurs first, as recorded on the Court's docket; provided, however, that Northport hereby agrees that it shall be bound to perform duties scheduled to occur prior to the Effective Date. In the event the United States withdraws or withholds consent to this Consent Judgment before entry, or the Court declines to enter the Consent Judgment, then the preceding requirement to perform duties scheduled to occur before the Effective Date shall terminate.

XVII. RETENTION OF JURISDICTION

87. The Court shall retain jurisdiction over this action until termination of this Consent Judgment, for the purposes of resolving disputes arising under this Consent Judgment, or entering orders modifying this Consent Judgment, pursuant to Sections XI (Dispute Resolution) and XVIII (Modification) of this Consent Judgment, or effectuating or enforcing compliance with the terms of this Consent Judgment.

XVIII. MODIFICATION

88. The terms of this Consent Judgment, including its appendices, may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to this Consent Judgment, it shall be effective only upon approval by the Court.

89. Any disputes concerning modification of this Consent Judgment shall be resolved pursuant to Section XI (Dispute Resolution), provided, however, that, instead of the burden of proof provided by Paragraph 66, the Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XIX. TERMINATION

90. After Northport has: (i) completed all of the requirements set forth in Section __ (Compliance Requirements), Section VI (Supplemental Environmental Projects), Section VII (Reporting Requirements), Appendices B and C, and all other requirements of this Consent Judgment to the satisfaction of the United States; and (ii) has paid the civil penalty and any

accrued stipulated penalties as required by this Consent Judgment, Northport may serve upon the United States a Request for Termination, stating that Northport has satisfied those requirements, together with all necessary supporting documentation.

91. Following receipt by the United States of Northport's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether Northport has satisfactorily complied with the requirements for termination of this Consent Judgment. If the United States agrees that this Consent Judgment may be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Consent Judgment.

92. If the United States does not agree that the Consent Judgment may be terminated, Northport may invoke Dispute Resolution under Section XI (Dispute Resolution) of this Consent Judgment. However, Northport shall not seek Dispute Resolution under Paragraph 62 (Formal Dispute Resolution) of any dispute regarding termination until 90 Days after service of its Request for Termination.

XX. PUBLIC PARTICIPATION

93. This Consent Judgment shall be lodged with the Court for a period of not less than 30 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent to the entry of this Consent Judgment if the comments regarding the Consent Judgment disclose facts or considerations indicating that the Consent Judgment is inappropriate, improper, or inadequate. Northport consents to entry of this Consent Judgment without further notice and agrees not to withdraw

from or oppose entry of this Consent Judgment by the Court or to challenge any provision of this Consent Judgment, unless the United States has notified Northport in writing that it no longer supports entry of this Consent Judgment.

XXI. SIGNATORIES AND SERVICE

94. Each undersigned representative of Northport, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Judgment and to execute and legally bind the Party he or she represents to this Consent Judgment.

95. This Consent Judgment may be signed in counterparts, and its validity shall not be challenged on that basis. Northport agrees to accept service of process by mail with respect to all matters arising under or relating to this Consent Judgment and to waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including, but not limited to, service of a summons.

XXII. INTEGRATION

96. This Consent Judgment constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Judgment and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than deliverables that are to be subsequently submitted and approved pursuant to this Consent Judgment, no other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this

Consent Judgment or the settlement it represents, nor shall it be used in construing the terms of this Consent Judgment.

XXIII. APPENDICES

97. The following appendices are attached to and part of this Consent Judgment:

98. "Appendix A" is the map and schedule of location of seventeen active Outfalls owned by the Northport.

99. "Appendix B" is the description of the SEP.

100. "Appendix C" is the Plan of Study.

XXIV. FINAL JUDGMENT

101. Upon approval and entry of this Consent Judgment by the Court, this Consent Judgment shall constitute a final judgment of the Court as to the United States and Northport.

* * * * * * * * * *

DATED and ENTERED this ____ Day of _____, 2018:

_____
[NAME]
UNITED STATES DISTRICT JUDGE

The Parties, by their undersigned representatives, enter into this Consent Judgment in the matter of *United States v. Village of Northport*, Civil No. _____.

FOR THE PLAINTIFF UNITED STATES OF AMERICA:

Washington, D.C.
_____, 2018

_____
JEFFREY H. WOOD
Acting Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice

Brooklyn, New York
_____, 2018

RICHARD P. DONOGHUE
United States Attorney for the
Eastern District of New York

By: _____
JOHN VAGELATOS
Assistant United States Attorney
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

Attorneys for the United States of America

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Dated: New York, New York
_____ __, 2018

_____
ERIC SCHAAF
Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007

OF COUNSEL:

KARA E. MURPHY
Assistant Regional Counsel
Water and General Law Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007

FOR THE DEFENDANT VILLAGE OF NORTHPORT:

Dated: Northport, New York
_____, 2018

_____
GEORGE DOLL
Mayor, Commissioner of Public Works and Highways

Dated: Northport, New York
_____, 2018

_____
STEWART BESEN
Village Attorney

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/8/2017 3:08:26 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Incorporated Village of Northport

Ok great, let's talk at 1pm.

From: Mann, Katherine
Sent: Wednesday, February 08, 2017 8:23 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Incorporated Village of Northport

Sure! My Friday is wide open, so just let me know when a good time is for you!

From: Murphy, Kara
Sent: Wednesday, February 08, 2017 7:09 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Incorporated Village of Northport

Working from home. I'll be back in the office on Tuesday. Do you want to discuss over the phone?

From: Mann, Katherine
Sent: Tuesday, February 07, 2017 5:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Incorporated Village of Northport

Are you in on Friday?

From: Murphy, Kara
Sent: Tuesday, February 07, 2017 11:59 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Incorporated Village of Northport

Ex. 5 Deliberative Process (DP)

From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Besen <sbesen@milbermakris.com>
Subject: Incorporated Village of Northport

Good Afternoon: Please find attached Mr. Besen's letter (which has been mailed also)regarding a proposed Supplemental Environmental Project for the Village of Northport.

Elizabeth Maiello
Legal Assistant

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 12/20/2018 11:25:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: RE: Northport
Attachments: Northport - Consent Judgment (DRAFT 2018-12-20).docx

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, December 19, 2018 11:45 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)** Thank you!

From: Murphy, Kara
Sent: Tuesday, December 04, 2018 3:18 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Murphy, Kara
Sent: Wednesday, November 28, 2018 1:42 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/16/2018 8:18:15 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport

Ok great, sounds like a plan. Thanks

From: Modigliani, Justine
Sent: Tuesday, October 16, 2018 3:32 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On Oct 16, 2018, at 3:18 PM, McKenna, Douglas <McKenna.Douglas@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Tuesday, October 16, 2018 3:08 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Tuesday, October 16, 2018 3:03 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Oct 16, 2018, at 11:40 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

FYI

From: Murphy, Kara
Sent: Tuesday, October 16, 2018 9:40 AM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi John - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/6/2018 11:59:45 AM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: PRESS RELEASE: EPA Announces New Funding for Water Infrastructure Projects in New York

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

From: Story, Karen
Sent: Thursday, April 05, 2018 3:13 PM
Subject: PRESS RELEASE: EPA Announces New Funding for Water Infrastructure Projects in New York

EPA Announces New Funding for Water Infrastructure Projects in New York

Funding will leverage public and private investments to keep lead and other contaminants out of drinking water and upgrade aging water infrastructure

Contact: Tayler Covington, (212) 637-3662, covington.tayler@epa.gov

(New York, N.Y. – April 5, 2018) The U.S. Environmental Protection Agency (EPA) announced the availability of funding that could provide as much as $5.5 billion in loans, which could leverage over $11 billion in water infrastructure projects through the Water Infrastructure Finance and Innovation Act (WIFIA) program. Prospective borrowers seeking WIFIA credit assistance must submit a letter of interest (LOI) by July 6, 2018.

"Thanks to the President's leadership, this WIFIA funding will spark new investments to repair our nation's crumbling water infrastructure," **said EPA Administrator Scott Pruitt**. "EPA will play a key role in the President's infrastructure efforts by incentivizing states, municipalities, and public-private partnerships to protect public health, fix local infrastructure problems, create jobs, and provide clean water to communities."

The WIFIA program received $63 million in funding in the Consolidated Appropriations Act, 2018, which was signed into law by President Donald Trump on March 23, 2018. This more than doubles the program's funding from 2017. Leveraging private capital and other funding sources, these projects could support $11 billion in water infrastructure investment and create more than 170,000 jobs. This year's Notice of Funding Availability (NOFA) highlights the importance of protecting public health including reducing exposure to lead and other contaminants in drinking water systems and updating the nation's aging infrastructure.

"New York knows all too well the costs of storm damaged water and wastewater systems. All of us have witnessed just how vulnerable our infrastructure is," **said EPA Regional Administrator Pete Lopez**. "Funding critical repairs and improving resiliency in our wastewater treatment and drinking water distribution systems remains a critical priority. We need investment to protect and promote our communities, our local economies, and public health."

The WIFIA program will play an important part in making vital improvements to the nation's water infrastructure and implementing the President's Infrastructure Plan, which calls for increasing the program's funding authorization and expanding project eligibility.

Background

Established by the Water Infrastructure Finance and Innovation Act of 2014, the WIFIA program is a federal loan and guarantee program at EPA that aims to accelerate investment in the nation's water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects.

WIFIA credit assistance can be used for a wide range of projects, including:

- drinking water treatment and distribution projects
- wastewater conveyance and treatment projects
- enhanced energy efficiency projects at drinking water and wastewater facilities
- desalination, aquifer recharge, alternative water supply, and water recycling project
- drought prevention, reduction, or mitigation projects

EPA will evaluate proposed projects described in the LOIs using WIFIA's statutory and regulatory criteria as described in the NOFA. Through this competitive process, EPA will select projects that it intends to fund and invite them to continue to the application process.

In 2017, for WIFIA's inaugural round, EPA invited 12 projects in 9 states to apply for more than $2 billion in WIFIA loans.

For more information about WIFIA and this funding announcement, visit: https://www.epa.gov/wifia

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18-018

Karen Story
U.S. Environmental Protection Agency
Public Affairs Division
Public Outreach Branch
(212) 637-3128 (Direct)
(212) 637-3675 (Branch)

www.epa.gov/region2
https://twitter.com/EPAregion2
https://www.facebook.com/eparegion2
http://blog.epa.gov/blog/category/greeningtheapple/

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/26/2018 5:08:44 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport Appendix B (SEPs)
Attachments: 3EZ5262-Ltr to Vagelatos & Murphy w at.pdf; Northport Appendix B_June 2018.docx; Northport Appendix B_June 2018 feinmark comments.docx

FYI – Call me when you can. Thanks

From: Feinmark, Phyllis
Sent: Friday, June 22, 2018 1:40 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport Appendix B (SEPs)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Monday, June 18, 2018 10:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport Appendix B (SEPs)

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 10/16/2018 7:02:58 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Mann, Katherine [Mann.Katherine@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Northport

Thank you Kara. **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Sent from my iPhone

On Oct 16, 2018, at 11:40 AM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

FYI

From: Murphy, Kara
Sent: Tuesday, October 16, 2018 9:40 AM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi John – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/19/2018 4:13:07 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - for RA
Attachments: Northport Briefing Paper 12-19-2018.docx

Importance: High

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, December 19, 2018 11:05 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport - for RA

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Simon, Paul
Sent: Wednesday, December 19, 2018 10:48 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Northport - for RA

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis
Sent: Wednesday, December 19, 2018 10:31 AM
To: Simon, Paul <Simon.Paul@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Northport - for RA

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/14/2018 6:32:53 PM
To: John.Vagelatos@usdoj.gov; Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Great, thanks John. I'll wait for your direction once you speak to Stuart. Thanks

---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, May 14, 2018 2:03 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport

Yes, I can speak tomorrow.
From the times you mention, why don't we speak amongst ourselves tomorrow at 10 and with Stuart at 10:30?
I'll confirm his availability.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Monday, May 14, 2018 12:43 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Northport

Yes, can talk tomorrow except 11:45-1:30 and not after 3:45. So looks like 10-11 or 3-3:45.
John – let us know if these times work for you. Thanks

From: Mann, Katherine
Sent: Monday, May 14, 2018 12:31 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Yes, anytime except 11-12 or 2-3.

From: Modigliani, Justine
Sent: Monday, May 14, 2018 12:27 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

I can find time tomorrow. You guys?

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, May 14, 2018 12:21 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine

<Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

I just left you a message. I would appreciate an extension until this Friday regarding the SEP. I believe we are going to do two Rain Gardens and the engineering cost of $126,750.00 that was agreed upon for the bluff Point Sewer hookup. I am available today or this week to go over our proposed revisions. We have a Board Meeting tomorrow night. Please call at your earliest convenience. The construction cost at this time is impossible to determine because we are required to bid it out. We are not sure how much the 5 million dollar grant we received will cover the project.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

I hope you are well. Thank you for Northport's April 23, 2018 comments on the draft Consent Judgment ("CJ").

I attach a revised version of the draft CJ which annotates Northport's comments, and includes our proposed revisions, responses and placeholders for further discussion.

Significantly, please note that on March 27 and March 28, 2018, the EPA sent two emails requesting information on the proposed SEPs. We cannot complete our SEP credit and penalty analysis without this information.

Specifically, EPA requires the following information in order to finalize its determinations of SEP credit:
I. Rain Garden SEP
1) Please confirm that there have been no changes to the SEP description and costs provided in the 2/2/17 Northport letter;
a) If changes have been made, please provide updates.
2) Please provide a status update on the rain garden SEP and the SEP completion date.
II. Sewer Expansion Project SEP

1) Please identify the portion of the Bluff's Point costs provided on 3/27/18 that Northport is paying for directly (as opposed to by receiving, or contingent upon receiving, grant money or any third-party funding); and
2) Please provide the SEP completion date for Bluff's Point.
Please provide the requested information by May 14, 2018. ***If we do not receive the information by that date, we will not be able to provide Northport with credit for these projects.***

Please let us know when it would be convenient to walk through the CJ and discuss the open issues.
If we receive the SEP information quickly, we should also be able to tell Northport what credit it can receive and the penalty amount.

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/2/2018 11:52:54 PM
To: Stuart Besen [sbesen@milbermakris.com]; John.Vagelatos@usdoj.gov
CC: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Stuart – Besides you when I send out the scheduler should I invite anyone else from Northport? Thanks

---

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, April 02, 2018 6:38 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Ok 3:00 pm.

Stuart P. Besen
Of Counsel
.....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 02, 2018 6:36 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Yes, we are available.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, April 2, 2018 4:10 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Northport

Are you available tomorrow at 3:00 pm?

Stuart P. Besen
Of Counsel

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 3:01 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

I am available to speak this Monday or Tuesday, April 2nd or 3rd, at your convenience.
I am away the following Monday and Tuesday, the 9th and 10th.
Please let me know what works for you Stuart. I am happy to answer any questions you may have.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, March 29, 2018 2:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Northport

We have a Board meeting on Tuesday and would like more time to review the document and show the Board in Executive Session. This coming Tuesday is our General Meeting and we have a new Mayor and Deputy Mayor. Can we speak Monday or Tuesday. I would like to present to the Board April 17, 2018, at our next Board meeting.

Thanks,

Stuart P. Besen
Of Counsel

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Good morning Stuart,
Do you think you will be able to give us any comments you may have on the language of the draft Consent Judgment by close of business Monday?
We would appreciate a redline, but I am also available Monday or Tuesday for a call in addition if you would like.
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Northport

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,
I attach for discussion a draft Consent Judgment resolving the United States' claims against Northport.
<< File: Northport - Consent Judgment (DRAFT 2018-03-23)(For sharing with Northport).docx >>
This draft is subject to further internal government review and approval.
In addition, you should know that the State of New York will likely need to be added as a party to this settlement, and would be added as a plaintiff. In that event, the State will have to review and approve as well.
Finally, you will note that the penalty and SEP provisions are still to be determined [TBD].
EPA is reviewing Northport's most recent SEP proposal.
Once that review is complete, we will be in a position to advise you of the penalty and SEP credit amounts.

For now, please review and we can discuss the structure of the settlement and the Consent Judgment language.

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/24/2019 8:01:31 PM
To: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: RE: Northport

Hi Ben,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Bahk, Benjamin
Sent: Monday, June 24, 2019 3:41 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: FW: Northport

FYI – will give you a call now

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Makepeace, Caroline
Sent: Friday, June 21, 2019 12:50 PM
To: karen.dworkin@usdoj.gov
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 21, 2019, at 12:04 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/18/2018 5:38:04 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport Write-up

FYI - Thanks

From: Murphy, Kara
Sent: Monday, June 18, 2018 1:38 PM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport Write-up

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/29/2017 4:03:01 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport SEP

THANK YOU! ☺

From: Mann, Katherine
Sent: Friday, September 29, 2017 11:58 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP

Thanks Kara!!

From: Murphy, Kara
Sent: Friday, September 29, 2017 11:58 AM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Sent: 6/17/2019 6:02:40 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Bruce, Susan [Bruce.Susan@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Northport

Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Modigliani, Justine
Sent: Monday, June 17, 2019 12:18 PM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Bruce, Susan <Bruce.Susan@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Re: Northport

Hi Ben,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine

Sent from my iPhone

On Jun 17, 2019, at 8:16 AM, Bahk, Benjamin <Bahk.Benjamin@epa.gov> wrote:

Hello Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

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http://www.epa.gov/compliance/complaints/index.html

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/27/2018 11:18:49 AM
To: Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Consent Judgment and Appendix B

No worries. Hope all went well upstate! Thanks for your feedback.

From: Mann, Katherine
Sent: Wednesday, September 26, 2018 9:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Hi Kara,

Sorry I missed your call (again) today. This all sounds good to me.

Thanks!

Katherine

From: Murphy, Kara
Sent: Wednesday, September 26, 2018 6:43 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC). Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

1. We are in the process of sending out the BID documents to start construction of the sewer hook-up of the houses on Bluff Point Road pursuant to our SEP. We will have the construction and project completed by the spring 2019. However, each homeowner is responsible for placing laterals on their property in order to hook up to our pipes etc., that we are placing in the ground. The laterals must be paid for by the individual homeowner by law since a municipality cannot make improvements on private property. If one homeowner refuses to put in a lateral will we still get credit for the SEP, if we complete everything that we can do?

2. Can we do one rain garden instead of two if the money to build the rain garden equals the sum of $20,000.00 or more.

3. Everything else in agreement is good and we agree to the penalty of Ex. 7(A)

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,
Where do we stand?
As I mentioned in my Aug. 30 email, we're trying to get approval on Northport's settlement proposal, but need Northport's sign-off on the language of the Consent Judgment and answers to the Appendix Questions for our approval memos?
Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM

To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

I am looking to address the Board at our September 18, 2018 meeting.

Stuart P. Besen
Partner

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide a timetable for signing off on the Consent Judgment and answering the Appendix Questions? We're trying to get approval on Northport's settlement proposal, but need these two things to finalize our internal memos.
Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
I'm just following up on this email from last week.
In order to get final approvals on the proposed penalty amount, we're being asked to include a Northport-approved Consent Judgment, including the final Appendix B. When do you think you'll be able to sign off on the Consent Judgment and answer the questions on the Appendix?
We have the right people's attention, so are trying to get approvals as soon as possible.
Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

I attach a revised draft of the Consent Judgment with some minor edits as tracked changes for your review. Please also note some of the comments about outstanding information requested from Northport.

Also, as per our discussion, I attach a draft Appendix B to the Consent Judgment reflecting some additional information for Northport to fill in.

Please review and let me know when you have the additional information, or if you have any questions.

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 9/29/2017 3:58:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
Subject: RE: Northport SEP

Ok, thank you.

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, September 29, 2017 11:58 AM
To: Vagelatos, John (USANYE)
Cc: Modigliani, Justine; Mann, Katherine; Murphy, Kara
Subject: Northport SEP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/17/2019 4:34:11 PM
To: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
CC: Bruce, Susan [Bruce.Susan@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Re: Northport

The payable cash penalty agreed to was $125,000

Sent from my iPhone

On Jun 17, 2019, at 11:54 AM, Bahk, Benjamin <Bahk.Benjamin@epa.gov> wrote:

> Great. Thank you. And could you fill in the blank about the penalty? Folks here have asked about that.
>
> Ben Bahk
> Branch Chief, Industrial Branch
> U.S. Environmental Protection Agency
> Office of Civil Enforcement
> 1200 Pennsylvania Ave. NW Mail Code 2243A
> Washington, DC 20460
> 202-564-4293
>
> Help eliminate environmental violations - report tips and complaints at:
> http://www.epa.gov/compliance/complaints/index.html
>
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>
> ---
>
> **From:** Modigliani, Justine
> **Sent:** Monday, June 17, 2019 11:19 AM
> **To:** Bahk, Benjamin <Bahk.Benjamin@epa.gov>
> **Cc:** Bruce, Susan <Bruce.Susan@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>
> **Subject:** Re: Northport
>
> Hi Ben,
>
> Katherine and I are literally in the middle of hosting training. Will take a look at the break.
>
> Justine
>
> Sent from my iPhone
>
> On Jun 17, 2019, at 8:16 AM, Bahk, Benjamin <Bahk.Benjamin@epa.gov> wrote:
>
>> Hello Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 6/14/2019 6:55:43 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Green, Katherine [Green.Katherine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> On Jun 14, 2019, at 11:06 AM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:
>
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, June 14, 2019 11:03 AM
> To: Green, Katherine <Green.Katherine@epa.gov>
> Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
> Subject: Re: Northport
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks.
>
> On Jun 14, 2019, at 10:45 AM, Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>> wrote:
>
> Hi Deborah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Katherine
>
>
> From: Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>>
> Sent: Friday, May 18, 2018 7:18 PM
> To: John.Vagelatos@usdoj.gov<mailto:John.Vagelatos@usdoj.gov>
> Cc: Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Mann, Katherine <Mann.Katherine@epa.gov<mailto:Mann.Katherine@epa.gov>>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov<mailto:Sandra.Levy@usdoj.gov>>
> Subject: RE: Northport
>
> At this time I would like to confirm that we will be placing two (2) rain gardens at a cost of $10,000.00 each in the Village of Northport with a completion date no longer than May 18, 2019.
>
> We are also requesting credit for a Supplemental Environmental Project on Bluff Point Road which consists of 26 residential homes and one commercial site being hooked up to our sewer system thereby replacing the cesspools which are environmentally problematic. The engineering cost that is being paid by the Village of Northport is the sum of $126,750.00. The Bluff point project anticipated end date is two years.
>
> We expressly reserve our right to amend and supplement this SEP request prior to executing the Consent Decree.
>
> I look forward to speaking with you next week.
>
> Stuart P. Besen
> Partner
> .....
> MMP&S
> Milber Makris Plousadis & Seiden, LLP
> 1000 Woodbury Road, Suite 402
> Woodbury, New York 11797
> 516.712.4000 ext. 1176
> 516.712.4013 fax
> sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>
>

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>
> From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> Sent: Monday, April 30, 2018 6:13 PM
> To: Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>>
> Cc: Murphy, Kara (Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>) <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>; Modigliani, Justine (Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>) <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Mann, Katherine (Mann.Katherine@epa.gov<mailto:Mann.Katherine@epa.gov>) <Mann.Katherine@epa.gov<mailto:Mann.Katherine@epa.gov>>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov<mailto:Sandra.Levy@usdoj.gov>>
> Subject: Ex. 7(A)
>
> SETTLEMENT COMMUNICATION
> SUBJECT TO FED. R. CIV. P. 408
>
> Stuart,
>
> I hope you are well. Thank you for Northport's April 23, 2018 comments on the draft Consent Judgment ("CJ").
>
> I attach a revised version of the draft CJ which annotates Northport's comments, and includes our proposed revisions, responses and placeholders for further discussion.
>
> Significantly, please note that on March 27 and March 28, 2018, the EPA sent two emails requesting information on the proposed SEPs. We cannot complete our SEP credit and penalty analysis without this information.
>
> Specifically, EPA requires the following information in order to finalize its determinations of SEP credit:
> I. Rain Garden SEP
> 1) Please confirm that there have been no changes to the SEP description and costs provided in the 2/2/17 Northport letter;
> a) If changes have been made, please provide updates.
> 2) Please provide a status update on the rain garden SEP and the SEP completion date.
> II. Sewer Expansion Project SEP
> 1) Please identify the portion of the Bluff's Point costs provided on 3/27/18 that Northport is paying for directly (as opposed to by receiving, or contingent upon receiving, grant money or any third-party funding); and
> 2) Please provide the SEP completion date for Bluff's Point.
> Please provide the requested information by May 14, 2018. If we do not receive the information by that date, we will not be able to provide Northport with credit for these projects.
>
> Please let us know when it would be convenient to walk through the CJ and discuss the open issues.
> If we receive the SEP information quickly, we should also be able to tell Northport what credit it can receive and the penalty amount.
>
> Best regards,
> John
>
>
>
> John Vagelatos
> Assistant United States Attorney
>
> United States Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East
> Brooklyn, New York 11201
>
> Telephone: 718-254-6182
> Facsimile: 718-254-7489
> Email: John.Vagelatos@USDOJ.gov<mailto:John.Vagelatos@USDOJ.gov>
>
>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 9/25/2018 7:37:46 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Update

Ex. 5 AC/AWP/DP

Thanks

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 2/15/2018 3:26:57 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport SEP proposal

I missed this email when we were on the phone earlier! Thanks for following up. I'll see if we get a response, otherwise will give Stuart a call later today as planned.

From: Murphy, Kara
Sent: Thursday, February 15, 2018 10:02 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport SEP proposal

Ex. 5 Deliberative Process (DP)

From: Murphy, Kara
Sent: Thursday, February 15, 2018 9:57 AM
To: Stuart Besen <besentrop@aol.com>
Cc: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP proposal

Hi Stuart –

Katherine had reached out to Tim as wanted to have a technical call regarding the SEP. I understand from Katherine that he is on vacation until March 3rd. Is there another technical person she can speak with to get her questions answered regarding the SEP?

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 11/14/2018 3:17:11 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am
Attachments: US and NY v. Northport DRAFT complaint (2018-10-26)_kmann edits 2.docx

Hi Kara & Justine,

Ex. 5 AC/DP

-Katherine

From: Murphy, Kara
Sent: Tuesday, November 13, 2018 2:45 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Tuesday, Nov. 6, 2018 @ 10am

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Tuesday, November 13, 2018 2:36 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Kara,

Ex. 5 AC/DP

Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, November 13, 2018 2:00 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

would be great. Thanks, Kara

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

The language for outfall #51 is fine.

Here is the Supplemental Environmental project language that you requested for the rain garden located on Valley Road, Northport, New York.

SEP Location
The Village of Northport has selected the rain garden to be placed at Valley Road at or near its intersection with Ocean Avenue, Northport, New York. The Village of Northport selected this location because it was the best location to collect storm water runoff before it reaches Main Street Northport and the Main Street pipe (#28) which has been a source of problems for the Village of Northport. Additionally, the location of the rain garden is centrally located and on a hill and will pick up storm water runoff from several streets including Hyland Avenue, Ocean Avenue, Markan Drive, Dogwood Avenue, School Street and Valley Road. The placement of this rain garden will give the Village of Northport the best opportunity to curtail pollutants entering Northport Harbor due to storm water runoff.

The balance of the comments on this SEP are good with us. I will get you the Resolution authorizing the rain garden.

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thanks again Stuart and Tim for taking time to review the list below.

As we discussed, outfall #6 is off the list as it is not connected to the storm sewer. We've included outfall #28 back on the list. With regard to the unmapped outfall on Milland Drive, we all have agreed that it needs to go back on the list. Here is what we suggest in identifying the outfall for purposes of the CJ:

Outfall #51*

- Outfall #51 is identified as Northport's pipe that collects runoff from two catch basins on Milland Drive and flows into outfall pipe #52, which is a NYSDOT owned and maintained pipe. Northport is responsible for inspecting and sampling at outfall #51, downstream of the two catch basins and before the connection with NYSDOT's pipe.

Please let us know if you are ok with this language.

As discussed on the call, after we agree to this, we just need confirmation from Northport on the SEP Appendix minor edits that were made, and need the reason as to why the rain garden location was picked.

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Just wanted to send an email for our call on Tuesday, pending Tim's availability.

Katherine and I want to discuss the following outfalls and information relating to these outfalls:

1) Outfall 6 – Northport removed this outfall because as Stuart indicated during the call on 11/1/18, it is not part of Northport's MS4.
2) Outfall 28 – Northport removed this outfall from the list. EPA believes that it may be the 48 inch pipe that Northport rehabilitated, and Stuart confirmed this during the call on 11/1/18. Stuart also confirmed that it will be added back on to the list.
3) Milland Drive Outfalls - EPA wants confirmation if a pipe at an unmapped outfall located on Milland Drive is from Northport's MS4 that leads into DOT's MS4. The attached markup of Northport's outfall map shows outfall 54 (which is included on the list), as well as the location of the unmapped outfall.

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 6/12/2018 8:06:26 PM
To: Murphy, Kara [murphy.kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: Northport SEPs and Appendix B
Attachments: 3EZ5262-Ltr to Vagelatos & Murphy w at.pdf; Northport Appendix B_June 2018.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 11/13/2018 1:49:45 PM
To: Kara Murphy [murphy.kara@gmail.com]; Justine Modigliani [modigliani.justine@gmail.com]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Sounds good to me!!

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 9, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

The language for outfall #51 is fine.

Here is the Supplemental Environmental project language that you requested for the rain garden located on Valley Road, Northport, New York.

SEP Location
The Village of Northport has selected the rain garden to be placed at Valley Road at or near its intersection with Ocean Avenue, Northport, New York. The Village of Northport selected this location because it was the best location to collect storm water runoff before it reaches Main Street Northport and the Main Street pipe (#28) which has been a source of problems for the Village of Northport. Additionally, the location of the rain garden is centrally located and on a hill and will pick up storm water runoff from several streets including Hyland Avenue, Ocean Avenue, Markan Drive, Dogwood Avenue, School Street and Valley Road. The placement of this rain garden will give the Village of Northport the best opportunity to curtail pollutants entering Northport Harbor due to storm water runoff.

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Stuart P. Besen
Partner
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MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
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Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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Thanks so much!

Kara E. Murphy
Assistant Regional Counsel

U.S. EPA, Region 2
290 Broadway, 16th Floor
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(212) 637-3211 (Phone)
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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 4/27/2018 6:11:19 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Friday, April 27, 2018 10:27 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Friday, April 27, 2018 7:04 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, April 26, 2018 5:05 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEPs

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, April 26, 2018 5:02 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: SEPs

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Mann, Katherine
Sent: Tuesday, March 27, 2018 4:46 PM
To: tim.brojer@northportny.gov
Cc: sbesen@milbermakris.com; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: SEPs

Hi Tim,

Just checking in on whether the Village / Holzmacher was able to come up with a cost breakdown for the sewer expansion work in Bluff Point. If so, can you forward that to us?

Could you also provide a status update on the rain garden SEP, including the current phase of the project and updated implementation schedule and costs (if applicable)? The most recent project description I have is dated February 2, 2017 and includes the following three phases:

Phase I – Subwatershed Assessment: anticipated completion July 2017, estimated cost $12,000
Phase II – Development of Conceptual Drainage Improvement Projects: anticipated completion December 2017, estimated cost $18,000
Phase III – Implementation of Project: anticipated completion not specified, estimated cost $50,000

Lastly, were you able speak with the homeowners with cesspools on Woodbine Ave. about connecting to the sanitary sewer?

Thanks in advance.
-Katherine

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 10/31/2018 3:53:22 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport

Woops just realized this is something different.

I'll take a look at this too!

From: Murphy, Kara
Sent: Wednesday, October 31, 2018 11:50 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Village of Northport
Importance: High

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Village of Northport

Kara,
Please see attached **Ex. 5 AC/DP**

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Village of Northport

Attached is the SEP wording to be attached to the Consent Decree if it meets with your approval.

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/22/2018 9:58:49 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Sounds good.

From: Murphy, Kara
Sent: Thursday, March 22, 2018 5:57 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Sorry Katherine. Meant to cc you. Probably best if Doug is on, and maybe even Phyllis. Thanks. I'll keep you posted.

From: Mann, Katherine
Sent: Thursday, March 22, 2018 5:56 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Not sure if John wanted us on the call, but either day works for me.

Katherine

From: Murphy, Kara
Sent: Thursday, March 22, 2018 5:51 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

FYI – Let me know when you are available for a call with John and Sandra. Tomorrow? Monday? Thanks

---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 22, 2018 4:39 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Hi Kara,
I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 10/31/2018 3:52:51 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport

Hi Kara,

Sorry. I did not get to this on Monday and yesterday turned out to be crazy. I'll send you and Justine my comments/edits by the end of today.

Happy Halloween!

Katherine

From: Murphy, Kara
Sent: Wednesday, October 31, 2018 11:50 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Village of Northport
Importance: High

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Village of Northport

Kara,
Please see attached **Ex. 5 AC/DP**

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Subject: Village of Northport

Attached is the SEP wording to be attached to the Consent Decree if it meets with your approval.

Stuart P. Besen
Partner

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Message

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Sent: 1/18/2018 8:49:58 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 5 Deliberative Process (DP)
Attachments: Northport - Consent Judgment (DRAFT 2017-12-21)(Tracked edits against 2017-09-28) (002)_EPA R2 Edits 2018-01-18.docx

Thanks Kara,

It looks great to me!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-Katherine

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

From: Murphy, Kara
Sent: Thursday, January 18, 2018 2:41 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 Deliberative Process (DP)

Hi Ladies –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Message

From: Green, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 7/30/2019 11:25:32 PM
To: Green, Katherine [Green.Katherine@epa.gov]
Subject: FW: Tuesday, Nov. 6, 2018 @ 10am

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Wednesday, November 14, 2018 12:15 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thank you Kara.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, November 14, 2018 10:42 AM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Tuesday, November 13, 2018 2:36 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Kara,
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks,
John

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Cc: Murphy, Kara <Murphy.Kara@epa.gov>
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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

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Stuart P. Besen
Partner

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To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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As we discussed, outfall #6 is off the list as it is not connected to the storm sewer. We've included outfall #28 back on the list. With regard to the unmapped outfall on Milland Drive, we all have agreed that it needs to go back on the list. Here is what we suggest in identifying the outfall for purposes of the CJ:

Outfall #51*

- Outfall #51 is identified as Northport's pipe that collects runoff from two catch basins on Milland Drive and flows into outfall pipe #52, which is a NYSDOT owned and maintained pipe. Northport is responsible for inspecting and sampling at outfall #51, downstream of the two catch basins and before the connection with NYSDOT's pipe.

Please let us know if you are ok with this language.

As discussed on the call, after we agree to this, we just need confirmation from Northport on the SEP Appendix minor edits that were made, and need the reason as to why the rain garden location was picked.

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Just wanted to send an email for our call on Tuesday, pending Tim's availability.

Katherine and I want to discuss the following outfalls and information relating to these outfalls:

1) Outfall 6 – Northport removed this outfall because as Stuart indicated during the call on 11/1/18, it is not part of Northport's MS4.
2) Outfall 28 – Northport removed this outfall from the list. EPA believes that it may be the 48 inch pipe that Northport rehabilitated, and Stuart confirmed this during the call on 11/1/18. Stuart also confirmed that it will be added back on to the list.
3) Milland Drive Outfalls - EPA wants confirmation if a pipe at an unmapped outfall located on Milland Drive is from Northport's MS4 that leads into DOT's MS4. The attached markup of Northport's outfall map shows outfall 54 (which is included on the list), as well as the location of the unmapped outfall.

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 5/21/2018 4:55:47 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [murphy.kara@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Monday, May 21, 2018 12:17 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:52:49 AM
To: Murphy, Kara; Modigliani, Justine; Mann, Katherine
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Monday, May 21, 2018 11:45 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport S

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 11:29 AM

To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport S

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Monday, May 21, 2018 11:07 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Makepeace, Caroline
Sent: Monday, May 21, 2018 10:41 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

-----Original Appointment-----
From: Murphy, Kara
Sent: Monday, May 21, 2018 10:23 AM
To: Makepeace, Caroline; Modigliani, Justine; Mann, Katherine
Subject: Northport
When: Tuesday, May 22, 2018 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: R2NY-Rm-2034-8p.DECA/R2-NY

Caroline – We'll call you. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Thanks

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 4/26/2018 1:20:33 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
-Katherine

From: Murphy, Kara
Sent: Wednesday, April 25, 2018 2:09 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

PLEASE REVIEW. THANK YOU!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/5/2018 3:45:12 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 4:30:00 PM
End: 3/6/2018 5:30:00 PM
Show Time As: Tentative

Conference number: Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

Ex. 5 AC/DP

Message

From: Green, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 6/28/2019 2:17:07 PM
To: Murphy, Kara [murphy.kara@epa.gov]
Subject: FW: Northport - Menu of settlement/SEP outcomes

See below.

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Thursday, May 17, 2018 11:34 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport - Menu of settlement/SEP outcomes

Thanks, sorry about dropping Kathering and double-copying you – apparently I was relying on the autopopulate too quickly.
Sorry again Katherine.
I'll move a little slower going forward.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 17, 2018 11:31 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Northport - Menu of settlement/SEP outcomes

Thanks John. We'll be discussing today. Just an FYI – this email and the one to Stuart, by accident Katherine wasn't cc'd. I was cc'd twice. Hasn't happened before so just want to make sure she's on for the future ones. Thanks! ☺

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport - Menu of settlement/SEP outcomes

Good evening all.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Appointment

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 3/2/2018 4:18:25 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 3:30:00 PM
End: 3/6/2018 4:30:00 PM
Show Time As: Tentative

Conference number Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

Ex. 5 AC/DP

Message

From: Green, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 6/28/2019 2:13:25 PM
To: Murphy, Kara [murphy.kara@epa.gov]
Subject: re Northport
Attachments: FINAL Village of Northport redelegation letter signed by Mark Pollins 02 24 2016.pdf

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Katherine

-----Original Message-----
From: Murphy, Kara
Sent: Friday, June 28, 2019 8:51 AM
To: Green, Katherine <Green.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

Hi Katherine -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Simon, Paul
Sent: Friday, June 28, 2019 7:39 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Sent from my iPhone

Katherine Green

Water Compliance Branch
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226
green.katherine@epa.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 1/10/2018 7:39:27 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport Draft CD
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
Katherine

From: Murphy, Kara
Sent: Tuesday, January 9, 2018 3:25 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport Draft CD

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I'm in the office tomorrow and Thursday and working from home Friday, so let me know if you want to have a quick meeting and review.

Thanks!

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 7/10/2018 12:53:32 PM
To: Young, Sarah [young.sarah@epa.gov]
CC: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport SEP Memo
Attachments:

Ex. 5 Attorney Client (AC)

Hi Sarah,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks for all of your help!

-Katherine

From: Young, Sarah
Sent: Tuesday, July 10, 2018 8:45 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport SEP Memo

Hello,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,
Sarah Young

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 5/17/2018 3:38:15 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; John.Vagelatos@usdoj.gov
Subject: RE: Northport - Menu of settlement/SEP outcomes

No problem! Thanks for forwarding Kara.

From: Murphy, Kara
Sent: Thursday, May 17, 2018 11:37 AM
To: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport - Menu of settlement/SEP outcomes

I've done that. In fact, I've sent to a wrong person before b/c of autopopulate (ok maybe more than once, but don't tell anyone), luckily it was to a cool person who deleted and told me! ☺

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 17, 2018 11:34 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport - Menu of settlement/SEP outcomes

Thanks, sorry about dropping Kathering and double-copying you – apparently I was relying on the autopopulate too quickly.
Sorry again Katherine.
I'll move a little slower going forward.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, May 17, 2018 11:31 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Northport - Menu of settlement/SEP outcomes

Thanks John. We'll be discussing today. Just an FYI – this email and the one to Stuart, by accident Katherine wasn't cc'd. I was cc'd twice. Hasn't happened before so just want to make sure she's on for the future ones. Thanks! ☺

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport - Menu of settlement/SEP outcomes

Good evening all.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 1/5/2018 4:50:48 PM
To: Murphy, Kara [murphy.kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: Comments on Northport CD
Attachments: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara & Justine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I think that's all ☺ Talk to you on Monday!

-Katherine

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 5/17/2018 3:15:32 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport - Menu of settlement/SEP outcomes

Thanks!

From: Murphy, Kara
Sent: Thursday, May 17, 2018 11:15 AM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport - Menu of settlement/SEP outcomes

FYI

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, May 15, 2018 6:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport - Menu of settlement/SEP outcomes

Good evening all.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Mann, Katherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=86BD46C0228F474FAB12C2A3B156379B-MANN, KATHERINE]
Sent: 4/9/2018 9:11:31 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hey Kara,

Did you end up talking with Caroline last week?

Katherine

From: Murphy, Kara
Sent: Wednesday, April 4, 2018 1:16 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:13 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Happy to talk, and I could do it after 1:30 (actually to be safer, after 1:45, in case the 1pm call goes long, but if 1:30 is your best time, grab that). Just send me a meeting request so it gets held on the calendar.

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 10:01 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

I hope you are well and getting better weather than we are in NYC.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Voo, Leonard [Voo.Leonard@epa.gov]
Sent: 8/27/2019 8:29:26 PM
To: LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]
CC: Chiang, Johnny [Chiang.Johnny@epa.gov]; Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Subject: FW: Nassau County

FYI

From: Sawyer, William <Sawyer.William@epa.gov>
Sent: Tuesday, August 27, 2019 4:26 PM
To: Voo, Leonard <Voo.Leonard@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Cc: Aber, Bruce <Aber.Bruce@epa.gov>
Subject: Nassau County

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Appointment

From: Gutierrez, Claudia [Gutierrez.Claudia@epa.gov]
Sent: 8/7/2019 1:56:21 PM
To: Voo, Leonard [Voo.Leonard@epa.gov]

Subject: FW: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System
Location: Call in number 1-855-564-1700, conference extension- 1104845, participate code 234567 - HQ folks meet in Greg's office

Start: 8/7/2019 8:30:00 PM
End: 8/7/2019 9:00:00 PM
Show Time As: Tentative

fyi

-----Original Appointment-----
From: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Sent: Tuesday, August 6, 2019 3:18 PM
To: Walker, Yolaanda; Aber, Bruce; Teter, Royan
Cc: Sullivan, Greg; Saenz, Diana; Schaaf, Eric; Simon, Paul; Shapiro, Naomi; Gutierrez, Claudia
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System
When: Wednesday, August 7, 2019 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Call in number 1-855-564-1700, conference extension- 1104845, participate code 234567 - HQ folks meet in Greg's office

HQ folks meet in Greg's office.

From: Aber, Bruce <Aber.Bruce@epa.gov>
Sent: Tuesday, August 6, 2019 3:11 PM
To: Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Cc: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Nassau County Revised Talking Points Judicial Consent Decree Centralized Monitoring System

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

Royan and Yolanda,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Please let us know.

Thanks

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

From: Aber, Bruce
Sent: Monday, August 5, 2019 5:04 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Shapiro, Naomi <Shapiro.Naomi@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Nassau County Judicial Consent Decree Centralized Monitoring System Talking Points for DOJ
Importance: High

ATTORNEY-CLIENT PRIVILEGE
DELIBERATIVE PROCESS/ENFORCEMENT CONFIDENTIAL
DO NOT RELEASE UNDER FOIA

Hi Greg,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Thanks very much in advance.

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Gutierrez, Claudia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03E596AFEA504F91A6C5BB3857A6FEA6-GUTIERREZ, CLAUDIA]
Sent: 7/11/2019 3:40:25 PM
To: Voo, Leonard [Voo.Leonard@epa.gov]
Subject: FW: Nassau County

Ex. 5 Deliberative Process (DP)

From: Aber, Bruce
Sent: Tuesday, July 9, 2019 4:34 PM
To: Voo, Leonard <Voo.Leonard@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: Fw: Nassau County

FYI, to keep you in the loop. see below.

From: Shapiro, Naomi
Sent: Tuesday, July 9, 2019 3:31 PM
To: Simon, Paul
Cc: Sawyer, William; Aber, Bruce; Schaaf, Eric
Subject: RE: Nassau County

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

From: Simon, Paul
Sent: Tuesday, July 09, 2019 11:05 AM
To: Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Nassau County

Ex. 5 AC/AWP/DP

From: Shapiro, Naomi
Sent: Tuesday, July 9, 2019 9:52 AM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Sawyer, William <Sawyer.William@epa.gov>; Aber, Bruce <Aber.Bruce@epa.gov>
Subject: FW: Nassau County
Importance: High

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

---

From: Aber, Bruce
Sent: Monday, July 08, 2019 11:54 AM
To: Shapiro, Naomi <Shapiro.Naomi@epa.gov>
Subject: Nassau County
Importance: High

Naomi,

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Ex. 5 Deliberative Process (DP) & Attorney Client Privilege & Attorney Work Product

Bruce

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(212) 637-3224 (phone)
Aber.bruce@epa.gov

Message

From: Gutierrez, Claudia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03E596AFEA504F91A6C5BB3857A6FEA6-GUTIERREZ, CLAUDIA]
Sent: 8/8/2019 1:45:48 PM
To: Diaz, Sandra [Diaz.Sandra@epa.gov]
Subject: highlights
Attachments: case.summary.8.9.2019.xlsx

Highlights:

Claudia will be traveling to Puerto Rico on 8/21. She will training, presenting, and assisting EQB at a Gas Station retailers and Convenient Stores Conference. The main purpose is to talk about new UST regulation requirements which came into effect in October 2018. EQB asked that the state and federal appeared (as we are) on the same page on Enforcement and Compliance Assistance.

Ed Guster will be at Incident Command Training at Region 3 next week.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 Deliberative Process (DP)

Claudia Gutierrez, M.S./US Environmental Protection Agency/290 Broadway, NY, NY/212-637-5036

Message

From: Schaaf, Eric [Schaaf.Eric@epa.gov]
Sent: 7/10/2019 2:51:07 PM
To: Ihlenburg, Erick [Ihlenburg.Erick@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: Re: Rockville Centre negotiation update

Sounds good - do we know when a response is expected?

Sent from my iPhone

On Jul 10, 2019, at 10:38 AM, Ihlenburg, Erick <Ihlenburg.Erick@epa.gov> wrote:

Eric,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC) Please let me know if you need any more info.

Erick

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

<image001.png>

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From: Schaaf, Eric
Sent: Wednesday, July 10, 2019 9:12 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Simon, Paul <Simon.Paul@epa.gov>; Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: Re: Rockville Centre negotiation update

Liliana/Erick: **Ex. 5 Attorney Client (AC)**

Sent from my iPhone

On Jul 3, 2019, at 1:38 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Eric,

Ex. 5 Attorney Client (AC)

Liliana

Message

From: Ihlenburg, Erick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9388B3ABE70416BBBF27550A34E92BA-IHLENBURG, ERICK]
Sent: 7/10/2019 3:14:23 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: Rockville Centre negotiation update

Eric, Paul,

Ex. 5 Attorney Client (AC)

Erick

From: Leong, Denise
Sent: Wednesday, July 10, 2019 10:49 AM
To: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: RE: Rockville Centre negotiation update

Hi Erick,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Ihlenburg, Erick
Sent: Wednesday, July 10, 2019 10:42 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre negotiation update

Hi Denise,

Can you send me an answer to Paul's question about Rockville? Thanks!

Erick

From: Simon, Paul
Sent: Wednesday, July 10, 2019 10:41 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: RE: Rockville Centre negotiation update

Ex. 5 Attorney Client (AC)

From: Ihlenburg, Erick
Sent: Wednesday, July 10, 2019 10:39 AM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: Rockville Centre negotiation update

Eric,

Ex. 5 Attorney Client (AC)

Erick

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

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From: Schaaf, Eric
Sent: Wednesday, July 10, 2019 9:12 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Simon, Paul <Simon.Paul@epa.gov>; Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: Re: Rockville Centre negotiation update

Liliana/Erick: Ex. 5 Attorney Client (AC)

Sent from my iPhone

On Jul 3, 2019, at 1:38 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

Liliana

Message

From: Ihlenburg, Erick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9388B3ABE70416BBBF27550A34E92BA-IHLENBURG, ERICK]
Sent: 7/9/2019 1:42:51 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: RE: Are you acting for Lilianna this week?

Ok—thanks for the info.

Erick

From: Urdaz, Damaris
Sent: Monday, July 08, 2019 6:35 PM
To: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: RE: Are you acting for Lilianna this week?

Ex. 5 DP/AC

From: Ihlenburg, Erick
Sent: Monday, July 8, 2019 5:43 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE: Are you acting for Lilianna this week?

Ex. 5 DP/AC

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

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From: Urdaz, Damaris
Sent: Monday, July 08, 2019 4:19 PM
To: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: RE: Are you acting for Lilianna this week?

Ex. 5 DP/AC

From: Ihlenburg, Erick
Sent: Monday, July 8, 2019 4:15 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE: Are you acting for Lilianna this week?

Hi Damaris,

Ex. 5 DP/AC

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

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strictly prohibited. If you received this message in error, please notify the sender immediately and delete this message and any attachments. Thank you.

From: Urdaz, Damaris
Sent: Monday, July 08, 2019 3:50 PM
To: Ihlenburg, Erick <Ihlenburg.Erick@epa.gov>
Subject: Are you acting for Lilianna this week?

Ex. 5 DP/AC

Thanks.

Message

From: Klepp, Robert [Klepp.Robert@epa.gov]
Sent: 10/30/2018 8:26:32 PM
To: Ihlenburg, Erick [Ihlenburg.Erick@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: NYC DOE Boilers Info
Attachments: image2018-10-30-164333.pdf

Thanks Erick,

Ex. 5 AC/AWP/DP

Thanks,
Bob

Robert G. Klepp, Attorney
Office of Civil Enforcement -- Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-5805

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From: Ihlenburg, Erick
Sent: Tuesday, October 30, 2018 3:34 PM
To: Klepp, Robert <Klepp.Robert@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: NYC DOE Boilers Info

All,

Ex. 5 AC/AWP/DP

Erick

Erick R. Ihlenburg
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Phone: (212) 637-3250
Fax: (212) 637-3199

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 12/12/2018 4:46:19 PM
To: Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Rockville Centre - implementing a SEP

Hi Richard,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Kan, Richard
Sent: Wednesday, December 12, 2018 11:16 AM
To: Leong, Denise <Leong.Denise@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville Centre - implementing a SEP

Denise,

Most of the information on SEPs can be found on EPA's website: https://www.epa.gov/enforcement/supplemental-environmental-projects-seps
Additionally, to find examples of SEPs that have already been approved in past settlements, the ECHO database has this information publicly available.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

-Richard

From: Leong, Denise
Sent: Tuesday, December 04, 2018 6:27 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>

Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 6:25 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP

Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 6:23 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Rockville Centre - implementing a SEP

PRIVILEGED AND CONFIDENTIAL
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Mr. Cho,

This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Now that EPA and the Village's tentative settlement agreement includes the Village's implementation of a SEP funded by a minimum of $30,000, the Village would like to request that EPA provide more information as to the requirements for a proposed project to actually qualify as a SEP. We understand that the Village's proposed SEP should have a nexus to

reducing fossil fuel combustion and/or reducing self-generation operations at the Village's power plant, and any more specifics which EPA could provide would be appreciated.

For example, the Village is contemplating a SEP that would consist of retrofitting a significant number of Village-owned and –operated street lights and/or indoor building lights with more energy efficient lightbulbs. Another option being considered was discussed during our meeting with you on November 27, i.e., installation of electric vehicle charging stations.

The Village feels that it would help expedite and streamline its process for developing an appropriate SEP if EPA could provide additional details and guidance on the types of projects EPA would deem acceptable as a SEP for purposes of the EPA-Village settlement agreement.

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Rockville Centre - confidential

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Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 12/4/2018 10:44:03 PM
To: Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: revised draft EPA-Rockville Centre term sheet
Attachments: 12-4-18 revised draft EPA-Village term sheet (D0355654x8DF41).docx

Importance: High

FYI- from James.

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 5:11 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: revised draft EPA-Rockville Centre term sheet
Importance: High

Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA-Rockville Centre term sheet
Importance: High

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Mr. Cho,

Attached please find a revised draft of the Term Sheet.

This version incorporates the new option of increasing the existing 45 MW power import limit, subject to finalizing the Village-PSEG agreement on that matter, and specifies the cash portion of the civil penalty in the amount of Ex. 7(A)

The attached makes other changes as compared to the last version, to reflect recent Village decisions to permanently retire both engines 7 and 8 (not just engine 8), to reclassify both engines 12 and 13 as emergency-only engines, and to include the 2.3 g/bhp-hr NOx limit in the application submitted last month to the NYSDEC to renew the power plant's Title V Permit.

In addition, we have taken the liberty of adding three new provisions to the term sheet. Paragraph 15 addresses the Village's commitment to implement a supplemental environmental project, while paragraphs 16 and 17 address modification and termination of the consent judgment, respectively.

We look forward to working with you to finalizing the settlement agreement/Consent Judgment based on this term sheet. In the meantime, please advise where things stand with EPA's obtaining the necessary internal approvals to move forward with the settlement.

Thank you.

Eli D. Eilbott

DWG&P
DUNCAN WEINBERG GENZER PEMBROKE

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

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Thanks for the email. We'll check on our end and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

PRIVILEGED AND CONFIDENTIAL
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Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a Ex. 7(A) civil penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is sufficient feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036

(202) 467-6370 | ede@dwgp.com
www.dwgp.com

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Rockville Centre so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/19/2018 1:33:56 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: Rockville Centre - confidential
Attachments: ROCKVILLE CENTRE - 2018-11-16.pdf

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott <EDE@dwgp.com>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Rockville Centre - confidential

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

November 16, 2018

Confidential and For Settlement Purposes Only
Not Admissible Pursuant to FRE 408

By E-mail (ede@dwgp.com)

Eli Eilbott, Esq.
Duncan, Weinberg, Genzer & Pembroke, P.C.
1615 M Street, N.W., Suite 800
Washington, D.C. 20036

Re: Village of Rockville Centre

Dear Mr. Eilbott:

The United States of America, on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), writes in response to Rockville Centre's ("Village") requests for information dated November 13, 2018, in the above-referenced Clean Air Act matter, as follows:

Information Request No. 1: As I read Section IX.B.1 of the Policy, at page 21, where a settlement includes a SEP, the amount of the penalty must be equal to the greater of (a) the economic benefit of noncompliance plus ten percent of the gravity component, or (b) twenty-five percent of the gravity component. During Friday's meeting, I believe that Guy stated that EPA assigned Ex. 7(A) for the economic benefit component, and Ex. 7(A) for the gravity component. If I heard him correctly, and if I'm reading the SEP Policy correctly, that would seem to mean that, regardless of whatever amount the Village might spend on an acceptable SEP, the final settlement of the NOV would still have to include a cash payment of a penalty of at least Ex. 7(A) Ex. 7(A) plus 10%). Is the foregoing correct? If so, given what I understood EPA's position on the "floor" of an acceptable penalty as stated to us towards the end of the Nov. 9 meeting, it would seem to me that there would be, at best, only minimal value to the Village to invest in a SEP for purposes of settling the NOV.

Supplemental Information Request No. 1: Actually, re-reading the SEP Policy language quoted in my question no. 1 below, I believe my figure of Ex. 7(A) is not correct, since I added 10% of the economic benefit component when it should be 10% of the gravity component. I believe that translates into approximately Ex. 7(A) for the economic benefit component, plus 10% of the Ex. 7(A) gravity component). So, a SEP would seem to make even less sense, assuming the foregoing is correct.

EPA's response:[1] Assuming that Rockville Centre agrees to a Civil Penalty amount of approximately Ex. 7(A), which was discussed at the parties' November 9, 2018 meeting, the cash portion of the penalty would be Ex. 7(A) provided that this is accompanied by a SEP valued at $114,790 or higher, and the Government allows 100 percent credit for the SEP (which is possible for municipalities with SEPs of good quality). If for some reason, the SEP is valued at only 80 percent credit, then Rockville Centre will have to spend a minimum of $143,488 on a SEP in order to keep the cash portion of the penalty payment at Ex. 7(A)

Information Request No. 2: At the top of p.24 of the Policy, in Section IX.C, it states that "The amount of penalty mitigation given for a SEP should be equivalent to a percentage of the estimated cost to implement the SEP and should not exceed eighty percent (80%) of that estimated cost." Further down on that same page, however, it provides that "For defendants that are . . . government agencies or entities . . . the penalty mitigation amount may be set as high as one hundred percent (100%) of the estimated SEP cost, if the defendant can demonstrate the project is of outstanding quality." Footnote 33 on that page, in turn, states "Outstanding quality may be based on how well a SEP meets and exceeds one or more of the evaluation criteria described in Section VIII, as well as on relevant case-specific factors." To help the Village better understand the possibility that a potential SEP it might implement would earn a 100% penalty mitigation, could EPA provide any more concrete information on what it might consider a SEP of "outstanding quality"? I realize the Policy states this is a case-by-case determination, but any additional info EPA could provide on this point would be helpful.

EPA's response: EPA guidance requires that Supplemental Environmental Projects ("SEPs") must improve, protect, or reduce risks to public health or the environment; be undertaken in settlement of an enforcement action; and must be projects that the alleged violator is not otherwise legally required to perform. The continued use of SEPs in settlement agreements provides the Agency with a useful tool for achieving environmental benefits beyond those gained by compliance with Federal and state laws. In a nutshell, projects that are not currently funded and not required by other statutes or regulation but are "shovel ready," in that they are designed or have been proposed but "shelved," had funding "pulled," not funded at all or are not identified or committed in any current or active planning cycle, may be appropriate to use as a SEP. If the project is required or committed to, the project cannot be used as a SEP. The project must have a nexus between the violation and the pollution caused by the violation and the penalty that the SEP will offset.

In Rockville Centre's case, the project must have a nexus with fossil fuel combustion and the NOx and PM pollution caused by the violation(s). Installing a renewable energy project that provides solar and/or wind energy or purchasing electric vehicles and installing electric vehicle

[1] All settlement positions herein are preliminary and subject to further review and approval at EPA and within the Department of Justice.

charging stations are examples of projects that may have the proper nexus such that the projects reduce fossil fuel use and the pollutants NOx and PM.

The projects listed below are examples and are not being assigned to Rockville Centre by the EPA. The project and its details must be formulated by Rockville Centre, per the SEP policy, and discussed with technical staff to ensure they meet the standards of the policy.

a. Renewable Energy Project – Solar or Wind Energy

Rockville Centre can purchase solar panels or wind turbines to reduce emissions as a pollution prevention SEP. Renewable energy projects generate energy without producing NOx from fossil fuels.

Helpful information:
http://energy.gov/eere/solarpoweringamerica/solar-powering-america-home
http://energy.gov/science-innovation/energy-sources/renewable-energy/wind
http://www1.eere.energy.gov/wind/pdfs/2011_wind_technologies_market_report.pdf

b. Electric Vehicles (EVs) and EV Charging Stations

Rockville Centre can purchase electric vehicles to reduce emissions as a pollution prevention SEP. Renewable energy projects generate energy without producing NOx from fossil fuels.

1. Electric Vehicles

Energy efficient. EVs convert about 59-62 percent of the electrical energy from the grid to power at the wheels. Conventional gasoline vehicles only convert about 17-21 percent of the energy stored in gasoline to power at the wheels.

• **Environmentally friendly.** EVs emit no tailpipe pollutants, although the power plant producing the electricity may emit them. Electricity from nuclear-, hydro-, solar-, or wind-powered plants causes no air pollutants.

• **Performance benefits**. Electric motors provide quiet, smooth operation and stronger acceleration and require less maintenance than internal combustion engines.

Helpful information:
https://www.epa.gov/greenvehicles/explaining-electric-plug-hybrid-electric-vehicles
https://afdc.energy.gov/vehicles/electric_basics_ev.html
https://www.driveclean.ca.gov/pev/Related_Sites.php

2. EV Charging Stations

There are three basic types of charging:

• **Level 1 charging**. A regular 120 Volt outlet -- the kind found in your home. This is the slowest type of charging -- about 2 to 5 miles of range per hour of charging -- but it can be convenient and requires no special charger or outlet type. Most, if not all, plug-in vehicles come equipped with a cord to allow this type of charging.

• **Level 2 charging**. These chargers supply current at 240 V (or 208 V) and provide 10 to 30 miles of range per hour of charging. Most public chargers are Level 2 chargers. You can also have a Level 2 charger installed at home. Most public chargers use a standard plug type that is compatible with all vehicles. Tesla charging stations, however, use a different plug type that cannot be used by other manufacturers' vehicles. Tesla provides an adaptor that allows its vehicles to use both Tesla and standard Level 2 charging stations.

• **Level 3 fast charging**. DC fast charging or DC quick charging is the fastest kind of charging, allowing about 50 or more miles of range to be provided to the battery in 20 minutes. Not all vehicles can accept fast charging, nor do all vehicles use the same type of plug for DC fast charging. Quick charging stations are usually located along heavy traffic corridors. Due to expense and electric current requirements, they are not practical for home installation.

Level 2 and 3 charging stations would be appropriate projects and would be designed for the target EVs, *i.e.*, a station that supports Fleet vehicles or stations at libraries or at schools to facilitate and promote the use of personal EVs.

Information Request No. 3: In Section X at page 25 of the Policy, it states that certain project-related costs must be excluded from the portion of the SEP eligible for penalty mitigation. The Policy states that "Examples of costs to consider that are generally not appropriate for inclusion include: overhead; additional employee time and salary; administrative expenses; most legal fees; and contractor oversight." I'm struggling to understand those examples, since they seem quite broad. If Village employees implement a SEP within the Village boundaries, would the Village's cost for that employee labor be considered "additional" time and salary and thus completely excluded from the mitigation eligibility? Would the only mitigation-eligible costs of such a project be parts/materials/equipment? And can EPA shed light on how broad or narrow the definition of "administration expenses" is in that portion of the Policy?

EPA's response: All direct labor and materials cost associated with completing the SEP would count towards the value of the SEP, including hiring contractors or contractors performing the work. However, labor cost incurred by an internal Rockville Centre employee to monitor the SEP progress or monitor contractors should not be considered part of the SEP cost.

Information Request No. 4: Section XII.A.2 at page 36 of the Policy seems to provide EPA with discretion in a particular settlement to exempt the proposed SEP from one or more requirements of the Policy. There it states as follows: "In all cases including a SEP which may not fully comply with the provisions of this Policy (e.g., the proposed settlement penalty is less than the minimum required penalty) . . . the settlement and the SEP must be approved by the Assistant Administrator for OECA." If I'm reading that catch-all exception correctly, EPA

would have the discretion, for example, to accept a penalty payment by the Village at a level lower than what would seem otherwise required by the section of the Policy that I quote in my question 1 above. At what point in the SEP review process would EPA make such a decision?

EPA's response: EPA does not have immediate discretion to reduce the minimum amount of cash paid towards the penalty to the Government under the SEP Policy. EPA has already obtained a waiver of the Penalty Policy to reduce the economic benefit to the maximum amount from Ex. 7(A) Usually additional waivers are not sought in this situation and there is no certainty that any additional waivers would be granted.

Information Request No. 5: Lastly, a question not directed to the SEP Policy. Specifically, to what extent, if any, would EPA allow the Village to pay the penalty portion of a settlement in installments (e.g., payment of one-quarter the total penalty each year for four consecutive years) as opposed to requiring the Village to make a one-time upfront payment of the entire penalty?

EPA's response: The EPA has considered payment plans in the past, and is willing to entertain any payment plan proposal made by Rockville Centre.

We look forward to addressing any additional questions the Village may have, and discussing our responses with the Village on November 27, 2018.

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

By: s/ James R. Cho
James R. Cho
Assistant U.S. Attorney
(718) 254-6519
james.cho@usdoj.gov

cc: Liliana Villatora, Esq. (EPA Region 2) (via email only)
Denise Leong, Esq. (EPA Region 2) (via email only)

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/16/2018 10:36:47 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
CC: Porter, Amy [Porter.Amy@epa.gov]
Subject: RE: SEP policy "waiver" questions
Attachments: Ex. 5 Attorney Client (AC)

Hi Caroline, Ex. 5 Attorney Client (AC) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Makepeace, Caroline
Sent: Friday, November 16, 2018 1:48 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: SEP policy "waiver" questions

Guys -

Ex. 5 Attorney Client (AC)

Sent from my iPhone

On Nov 16, 2018, at 1:03 PM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:

Hi Guys,

Ex. 5 Attorney Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

-----Original Appointment-----
From: Leong, Denise
Sent: Thursday, November 15, 2018 9:57 AM
To: Leong, Denise; Buettner, Robert; Villatora, Liliana; LaVigna, Gaetano; Kan, Richard; Makepeace, Caroline
Subject: SEP policy "waiver" questions
When: Friday, November 16, 2018 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: R2NY-Rm-2125A-15p.DECA/R2-NY

Update: Caroline not available today, we will try for Friday. – Thanks, Denise

Ex. 5 Attorney Client (AC)

R2 folks, we can meet in room 2125 (not the usual conference room).

<Bullets on Munis and SEPs.11.2.18.docx>

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/16/2018 9:17:56 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: FW: ROCKVILLE CENTRE - 2018-11-16 (draft) EPA's response ms.docx
Attachments: ROCKVILLE CENTRE - 2018-11-16 (draft) EPA's response ms.docx

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, November 16, 2018 3:57 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: ROCKVILLE CENTRE - 2018-11-16 (draft) EPA's response ms.docx

Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 11/16/2018 5:29:21 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
CC: Kan, Richard [Kan.Richard@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Responses to Rockville SEP questions
Attachments: Rockville SEP questions EPA response 11-13-18.docx; Rockville SEP info_DL.docx

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 11/15/2018 3:58:36 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: Re: SEP policy "waiver" questions

Thanks Caroline.

Denise - I don't think that we need to have this call prior to responding to Rockville. Our response on the issue is probably good enough for now. We do need to know what options are possibly available to us prior to our meeting with them on the 27th, even if we can't talk until Monday.

Ex. 5 AC/DP

Sent from my iPhone

> On Nov 15, 2018, at 10:11 AM, Makepeace, Caroline <Makepeace.Caroline@epa.gov> wrote:
>
> Hi all,
> I'm more than happy to talk with you all, and it's always good to get the full picture of the case and circumstances. Especially since it is very easy to get tangled up with the various threads of the SEP policy (minimum penalties; potential valuation of the project; etc. in particular can be quite confusing).

Ex. 6 Personal Privacy (PP)

for your schedule, and the timing of the case, to talk Friday? I'll make myself available whenever works for you.
>
> Sent from my iPhone
>
>> On Nov 15, 2018, at 9:56 AM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>>
>> Hi Caroline, We would like to have a call with you regarding the SEP policy and our matter. We will give you a call if this time works for you. Thanks, Denise
>>
>> R2 folks, we can meet in room 2125 (not the usual conference room).
>> <meeting.ics>

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 11/15/2018 2:18:29 PM
To: Leong, Denise [Leong.Denise@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Rockville SEP questions update

I am I n mandatory training this morning, but please have the call without me, if necessary.

Ex. 5 Attorney Client (AC)

From: Leong, Denise
Sent: Thursday, November 15, 2018 9:14 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Rockville SEP questions update

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 12/18/2018 8:32:35 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: Rockville SEP

Hi Guy and Richard, If you look at the bottom of this link, this is all the info I could find on SEP. any other resources?

https://echo.epa.gov/enforcement-case-report?id=02-2015-1212

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 12/14/2018 9:46:15 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: Rockville Update

Hi All:

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 11/30/2018 2:09:31 PM
To: Kan, Richard [Kan.Richard@epa.gov]
Subject: Fwd: meeting -Rockville settlement approval

Highlight also

Robert Buettner
Chief, Air Compliance Branch
US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007
buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Leong, Denise" <Leong.Denise@epa.gov>
Date: November 30, 2018 at 9:06:27 AM EST
To: "Buettner, Robert" <Buettner.Robert@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Kan, Richard" <Kan.Richard@epa.gov>
Subject: FW: meeting -Rockville settlement approval

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 29, 2018 8:22 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: meeting

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 29, 2018 at 6:50:22 PM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: meeting

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Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a Ex. 7(A) civil penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is sufficient feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>> wrote:
Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com>
www.dwgp.com<http://www.dwgp.com/>

This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Rockville Centre so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 8/30/2019 8:22:21 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
CC: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Rockville
Attachments: Rockville Briefing for RA 8-30-19.docx

Hi All: Ex. 5 Attorney Client (AC) Thanks, Denise

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Friday, August 30, 2019 2:59 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: Rockville

Ex. 5 Attorney Client (AC)

Liliana

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 5/15/2019 9:17:07 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Rockville EPA internal meeting notes 5-15-19

Hi All:

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.

Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 9/12/2019 9:43:02 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Rockville
Attachments: Rockville Briefing for RA 8-30-19.docx

Hi All: Ex. 5 Attorney Client (AC) Thanks, Denise

From: Kan, Richard <Kan.Richard@epa.gov>
Sent: Thursday, September 05, 2019 10:55 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville

Ex. 5 Attorney Client (AC)

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, August 30, 2019 4:22 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: RE: Rockville

Hi All: Ex. 5 Attorney Client (AC) Thanks, Denise

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Friday, August 30, 2019 2:59 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: Rockville

Ex. 5 Attorney Client (AC)

Liliana

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 4/23/2019 2:56:23 PM
To: Leong, Denise [Leong.Denise@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

Gaetano La Vigna, Chief

Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message.

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, April 23, 2019 10:39 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: FW: Rockville CD & SEP(s)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, April 22, 2019 5:47 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Denise,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Let's discuss tomorrow when you are available. I am around most of the day.

Thanks,

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Monday, April 22, 2019 4:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 10:33 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201

Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 AC / Ex. 7(A)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
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Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James and Matthew,

Ex. 5 AC / Ex. 7(A)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Rockville CD draft compliance req

Thanks James, Denise,

Ex. 5 AC / Ex. 7(A)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)

718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 AC / Ex. 7(A) Thanks, Denise

Denise Leong
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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 AC / Ex. 7(A)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Rockville CD draft compliance req

Ex. 5 AC / Ex. 7(A)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 4/23/2019 2:39:23 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: FW: Rockville CD & SEP(s)
Attachments: ENV_ENFORCEMENT #2805313-v1-ROCKVILLE_CJ_19_4_19_+MG + MSEDNY rev 4_22_19-.docx

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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-----Original Message-----
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Sent: Monday, April 22, 2019 5:47 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Denise,

Ex. 5 Attorney Client (AC)

Let's discuss tomorrow when you are available. I am around most of the day.

Thanks,

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Monday, April 22, 2019 4:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 10:33 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
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To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 Attorney Client (AC)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>

Subject: RE: Rockville CD draft compliance req

Hi James,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

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To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
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718-254-6519 (direct)
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james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James and Matthew,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Rockville CD draft compliance req

Thanks James, Denise,

Ex. 5 Attorney Client (AC)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

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Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

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718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
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Message

From: Leong, Denise [Leong.Denise@epa.gov]
Sent: 7/8/2019 1:12:30 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Kan, Richard [Kan.Richard@epa.gov]
Subject: FW: revised draft EPA-Rockville Centre term sheet
Attachments: 12-4-18 revised draft EPA-Village term sheet (D0355654x8DF41).docx

Importance: High

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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Sent: Tuesday, December 04, 2018 5:44 PM
To: Kan, Richard <kan.richard@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: revised draft EPA-Rockville Centre term sheet
Importance: High

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 5:11 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: revised draft EPA-Rockville Centre term sheet
Importance: High

Denise,
See attached updated term sheet from Rockville Centre.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA-Rockville Centre term sheet
Importance: High

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Mr. Cho,

Attached please find a revised draft of the Term Sheet.

This version incorporates the new option of increasing the existing 45 MW power import limit, subject to finalizing the Village-PSEG agreement on that matter, and specifies the cash portion of the civil penalty in the amount of $ Ex. 7(A)

The attached makes other changes as compared to the last version, to reflect recent Village decisions to permanently retire both engines 7 and 8 (not just engine 8), to reclassify both engines 12 and 13 as emergency-only engines, and to include the 2.3 g/bhp-hr NOx limit in the application submitted last month to the NYSDEC to renew the power plant's Title V Permit.

In addition, we have taken the liberty of adding three new provisions to the term sheet. Paragraph 15 addresses the Village's commitment to implement a supplemental environmental project, while paragraphs 16 and 17 address modification and termination of the consent judgment, respectively.

We look forward to working with you to finalizing the settlement agreement/Consent Judgment based on this term sheet. In the meantime, please advise where things stand with EPA's obtaining the necessary internal approvals to move forward with the settlement.

Thank you.

Eli D. Eilbott

DWG&P
DUNCAN WEINBERG GENZER PEMBROKE

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

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Thanks for the email. We'll check on our end and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

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Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a Ex. 7(A) civil penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is sufficient feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com
> www.dwgp.com
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.
>
> ---
>
> **From:** Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
> **Sent:** Monday, November 26, 2018 3:38 PM
> **To:** Eli Eilbott
> **Subject:** meeting
>
> I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
> At your convenience, let me know who we should expect from Rockville Centre so I can inform our security. Thanks.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 12/18/2018 9:39:48 PM
To: Kan, Richard [Kan.Richard@epa.gov]; Leong, Denise [Leong.Denise@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
Subject: RE: Rockville Centre - implementing a SEP
Attachments: CAA-02-2016-1212 Atlantic County Utilities Authority.pdf

Ex. 5 Attorney Client (AC)

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Kan, Richard
Sent: Wednesday, December 12, 2018 11:16 AM
To: Leong, Denise <Leong.Denise@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville Centre - implementing a SEP

Denise,

Most of the information on SEPs can be found on EPA's website: https://www.epa.gov/enforcement/supplemental-environmental-projects-seps
Additionally, to find examples of SEPs that have already been approved in past settlements, the ECHO database has this information publicly available.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-Richard

From: Leong, Denise
Sent: Tuesday, December 04, 2018 6:27 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP

See email below Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 6:25 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP

Denise,
See email below. Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 6:23 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Rockville Centre - implementing a SEP

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Mr. Cho,

This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Now that EPA and the Village's tentative settlement agreement includes the Village's implementation of a SEP funded by a minimum of $30,000, the Village would like to request that EPA provide more information as to the requirements for a proposed project to actually qualify as a SEP. We understand that the Village's proposed SEP should have a nexus to reducing fossil fuel combustion and/or reducing self-generation operations at the Village's power plant, and any more specifics which EPA could provide would be appreciated.

For example, the Village is contemplating a SEP that would consist of retrofitting a significant number of Village-owned and –operated street lights and/or indoor building lights with more energy efficient lightbulbs. Another option being considered was discussed during our meeting with you on November 27, i.e., installation of electric vehicle charging stations.

The Village feels that it would help expedite and streamline its process for developing an appropriate SEP if EPA could provide additional details and guidance on the types of projects EPA would deem acceptable as a SEP for purposes of the EPA-Village settlement agreement.

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Rockville Centre - confidential

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Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Kan, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E1D5978AC5E049C6930C5154B5B2F790-KAN, RICHARD]
Sent: 9/5/2019 2:54:45 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Rockville
Attachments: Rockville Briefing for RA 8-30-19.docx

Ex. 5 Attorney Client (AC)

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, August 30, 2019 4:22 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: RE: Rockville

Hi All: **Ex. 5 Attorney Client (AC)** Thanks, Denise

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Friday, August 30, 2019 2:59 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>; Kan, Richard <Kan.Richard@epa.gov>
Subject: Rockville

Ex. 5 Attorney Client (AC)

Liliana

Message

From: Kraft, Nicole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B70EDE8204B4977A554CE4880732849-KRAFT, NICOLE]
Sent: 6/6/2017 7:41:14 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Beth Cavalier

From: Modigliani, Justine
Sent: Tuesday, June 06, 2017 3:11 PM
To: Kraft, Nicole <Kraft.Nicole@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Tuesday, February 07, 2017 11:59 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Incorporated Village of Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!

From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Besen <sbesen@milbermakris.com>
Subject: Incorporated Village of Northport

Good Afternoon: Please find attached Mr. Besen's letter (which has been mailed also)regarding a proposed Supplemental Environmental Project for the Village of Northport.

Elizabeth Maiello
Legal Assistant

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 11/13/2018 10:51:35 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: Re: questions about EPA's SEP Policy

Let's discuss tomorrow

Sent from my iPhone

> On Nov 13, 2018, at 11:43 AM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>

Ex. 5 Attorney Client (AC)

>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2
> Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
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>
>
> -----Original Message-----
> From: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Sent: Tuesday, November 13, 2018 11:26 AM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: Fwd: questions about EPA's SEP Policy
>

Ex. 5 Attorney Client (AC)

>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
> Brooklyn, New York 11201<x-apple-data-detectors://9/0>
> 718-254-6519<tel:718-254-6519> (direct)
> 718-254-7483<tel:718-254-7483> (fax)
> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>
> Begin forwarded message:
>
> From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
> Date: November 13, 2018 at 11:21:13 AM EST
> To: "James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
> Subject: questions about EPA's SEP Policy
>
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> NOT ADMISSIBLE PURSUANT TO F.R.E. 408
>
> Mr. Cho,
>
> Thanks again for this past Friday's meeting with the Village of Rockville Centre. Since that time we've been reviewing EPA's SEP policy, which I believe was most recently updated in March 2015, according to this info: https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf
>
> The Village had a few questions for your team regarding how a potential SEP implemented by the Village as part of a settlement of the Feb. 2012 NOV might work. Because Mr. Andreas will be meeting with the Village Trustees this Thursday to discuss this matter and because EPA and the Village are scheduled to meet again on Nov. 27, I would greatly appreciate it if you/EPA could clarify the following by COB tomorrow if at all possible:

>
>
> 1. As I read Section IX.B.1 of the Policy, at page 21, where a settlement includes a SEP, the amount of the penalty must be equal to the greater of (a) the economic benefit of noncompliance plus ten percent of the gravity component, or (b) twenty-five percent of the gravity component. Ex. 7(A)

Ex. 7(A)

>
>
> 2. At the top of p.24 of the Policy, in Section IX.C, it states that "The amount of penalty mitigation given for a SEP should be equivalent to a percentage of the estimated cost to implement the SEP and should not exceed eighty percent (80%) of that estimated cost." Further down on that same page, however, it provides that "For defendants that are . . . government agencies or entities . . . the penalty mitigation amount may be set as high as one hundred percent (100%) of the estimated SEP cost, if the defendant can demonstrate the project is of outstanding quality." Footnote 33 on that page, in turn, states "Outstanding quality may be based on how well a SEP meets and exceeds one or more of the evaluation criteria described in Section VIII, as well as on relevant case-specific factors." To help the Village better understand the possibility that a potential SEP it might implement would earn a 100% penalty mitigation, could EPA provide any more concrete information on what it might consider a SEP of "outstanding quality"? I realize the Policy states this is a case-by-case determination, but any additional info EPA could provide on this point would be helpful.
>
>
>
> 3. In Section X at page 25 of the Policy, it states that certain project-related costs must be excluded from the portion of the SEP eligible for penalty mitigation. The Policy states that "Examples of costs to consider that are generally not appropriate for inclusion include: overhead; additional employee time and salary; administrative expenses; most legal fees; and contractor oversight." I'm struggling to understand those examples, since they seem quite broad. If Village employees implement a SEP within the Village boundaries, would the Village's cost for that employee labor be considered "additional" time and salary and thus completely excluded from the mitigation eligibility? Would the only mitigation-eligible costs of such a project be parts/materials/equipment? And can EPA shed light on how broad or narrow the definition of "administration expenses" is in that portion of the Policy?
>
>
>
> 4. Section XII.A.2 at page 36 of the Policy seems to provide EPA with discretion in a particular settlement to exempt the proposed SEP from one or more requirements of the Policy. There it states as follows: "In all cases including a SEP which may not fully comply with the provisions of this Policy (e.g., the proposed settlement penalty is less than the minimum required penalty) . . . the settlement and the SEP must be approved by the Assistant Administrator for OECA." If I'm reading that catch-all exception correctly, EPA would have the discretion, for example, to accept a penalty payment by the Village at a level lower than what would seem otherwise required by the section of the Policy that I quote in my question 1 above. At what point in the SEP review process would EPA make such a decision?
>
>
> Lastly, a question not directed to the SEP Policy. Specifically, to what extent, if any, would EPA allow the Village to pay the penalty portion of a settlement in installments (e.g., payment of one-quarter the total penalty each year for four consecutive years) as opposed to requiring the Village to make a one-time upfront payment of the entire penalty?
>
> Thank you in advance for your assistance with this. Again, given the meeting with the Trustees this Thursday, we'd greatly appreciate receiving EPA's responses to the foregoing by COB tomorrow if possible.
>
>
> Eli
>
>
> Eli D. Eilbott
>
> [Description: Description: cid:YMHZYIOFYWWM.IMAGE_28.png]
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.
>
>

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 7/18/2019 8:56:51 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: Rockville question

Thank you!

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Thursday, July 18, 2019 4:50 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>
Subject: Re: Rockville question

Agreed, we are moving forward!

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

> On Jul 18, 2019, at 4:42 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Thursday, July 18, 2019 4:36 PM
> To: Leong, Denise <Leong.Denise@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>
> Subject: Rockville question
>
> Lilliana, Denise,

Ex. 5 Attorney Client (AC)

>
> Thanks
> Matt
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY

Message

From: Cho, James (USANYE) [James.Cho@usdoj.gov]
Sent: 12/4/2018 10:10:40 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: FW: revised draft EPA-Rockville Centre term sheet
Attachments: 12-4-18 revised draft EPA-Village term sheet (D0355654x8DF41).docx

Importance: High

Denise,
See attached updated term sheet from Rockville Centre.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA-Rockville Centre term sheet
Importance: High

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Mr. Cho,

Attached please find a revised draft of the Term Sheet.

This version incorporates the new option of increasing the existing 45 MW power import limit, subject to finalizing the Village-PSEG agreement on that matter, and specifies the cash portion of the civil penalty in the amount of **Ex. 7(A)**

The attached makes other changes as compared to the last version, to reflect recent Village decisions to permanently retire both engines 7 and 8 (not just engine 8), to reclassify both engines 12 and 13 as emergency-only engines, and to include the 2.3 g/bhp-hr NOx limit in the application submitted last month to the NYSDEC to renew the power plant's Title V Permit.

In addition, we have taken the liberty of adding three new provisions to the term sheet. Paragraph 15 addresses the Village's commitment to implement a supplemental environmental project, while paragraphs 16 and 17 address modification and termination of the consent judgment, respectively.

We look forward to working with you to finalizing the settlement agreement/Consent Judgment based on this term sheet. In the meantime, please advise where things stand with EPA's obtaining the necessary internal approvals to move forward with the settlement.

Thank you.

Eli D. Eilbott

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

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Thanks for the email. We'll check on our end and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

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NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a Ex. 7(A) civil penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is sufficient feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com
> www.dwgp.com
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.
>
> ---
>
> **From:** Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
> **Sent:** Monday, November 26, 2018 3:38 PM
> **To:** Eli Eilbott
> **Subject:** meeting
>
> I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
> At your convenience, let me know who we should expect from Rockville Centre so I can inform our security. Thanks.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)

718-254-7483 (fax)
james.cho@usdoj.gov

Term Sheet

1. **Retire three existing engines.** The Village shall permanently retire engines 7 and 8, as well as the 2.1 MM-Btu/hour oil-fired standby engine, by December 31, 2018.

2. **Reclassify engine 13 as emergency-only engine.** As part of its application submitted to the New York Department of Environmental Conservation (NYSDEC) to renew the Village power plant's Title V permit, the Village has requested NYSDEC approval to reclassify engine 13 as an "Emergency Power Generating Stationary Internal Combustion Engine" within the meaning of 6 NYCRR section 200.1(cq). Engine 13 already is classified as an "emergency stationary RICE" under the RICE NESHAP.

3. **Retain emergency-only status of engine 12.** The Village shall retain the existing classification of engine 12 as an "Emergency Power Generating Stationary Internal Combustion Engine" within the meaning of 6 NYCRR section 200.1(cq) and as an "emergency stationary RICE" under the RICE NESHAP. The Village shall not modify either of such classifications for engine 12 without prior written approval of the EPA.

4. **Upgrade power plant, reduce customer load or increase power import limit.** In order to reduce air emissions associated with power plant operations, the Village shall implement one of the following options by _____:

   A. Install new engine. Install one new gas-fired stationary internal combustion engine that meets all applicable NOx and PM limits, with a generating capacity of approximately 4 MW – 8 MW, and upgrade the gas supply facilities serving the power plant as necessary; or

   B. Retrofit engines 9 and 10. Either (1) install selective catalytic reduction equipment (to reduce NOx emissions) and continuous emissions monitoring systems (CEMS) on both engine 9 and engine 10, or (2) implement alternate technical solutions to lower NOx emissions from engines 9 and 10 to less than or equal to 2.3 g/Bhp-hr per engine, during steady-state, dual-fuel operations, excluding startup and shutdown periods; or

   C. Reduce customer load. Achieve a reduction of the Village power plant's overall customer load by approximately 1 MW to 2 MW, by a combination of actions, including installation of rooftop- and parking lot-mounted solar photovoltaic arrays, and reducing customer load from demand side management and energy efficiency measures; or

   D. Increase import capacity. Complete upgrades to the Village's electrical substations to enable them to accommodate an increase, from 45 MW to 55 MW, in the power import capacity of the PSEG/LIPA transmission lines interconnected with such substations.

   The Village shall employ its good faith, best efforts to implement one of the foregoing options in this paragraph 4 as noted above. EPA understands the Village's concerns regarding the need to obtain necessary regulatory approvals prior to implementation of one of those options and regarding the risk that non-regulatory developments beyond the Village's control, including unexpected design, engineering and manufacturing problems, could delay the Village's ability to finalize implementation by a certain date. EPA will work with the Village to ensure that these

regulatory and non-regulatory concerns will be addressed by the Force Majeure language included in the final Consent Judgment document.

5. **Install CEMS.** The Village shall install, within 18 months of the Effective Date of the CJ, a CEMS on all engines that (1) are not classified as an emergency-only engine as defined by 6 NYCRR 200.1(cq) or the RICE NESHAP, and (2) are operated more than 100 hours per year for non-emergency operations, excluding testing and maintenance.

6. **Interim NOx emission limits for non-emergency, steady-state operations.** Until the renewed Title V permit to be issued by the NYSDEC becomes effective, (1) the power plant shall achieve a facility-wide weighted average NOx emission limit of 3.3 grams NOx per BHP-hr for engines operating on dual fuel, during non-emergency, steady state operations, excluding periods of startup and shutdown, and (2) the power plant shall achieve a facility-wide weighted average NOx emission limit of 6.2 grams NOx per BHP-hr when the Village must operate one or more engines in oil-fired mode due to inadequate gas supply, during non-emergency, steady state operations, excluding periods of startup and shutdown. For purposes of this paragraph 6, "inadequate gas supply" means that due to restrictions imposed by the local gas company on gas pressure or gas volume supplied to the Village's power plant, or due to failure of the gas compressor or related equipment, the supply of gas to the power plant is not sufficient to support 15 MW of gas-fired generation capacity.

7. **Final NOx emission limits for non-emergency, steady-state operations.** The Village has included in its October 2018 application to the NYSDEC to renew the power plant's Title V permit a request to incorporate the following NOx emission limits in the renewed permit, to become effective upon the effective date of such permit:

   A. 2.3 grams NOx per BHp-hr during periods when engines 9, 10, 11 and 14 are operated, individually or in any combination of such four engines, all operating on dual fuel.

   B. 3.2 grams NOx per BHp-hr during periods when either (1) engine 14 is operating on oil because the utility gas supply to the power plant is restricted or a gas compressor is out of service, with engines 9, 10 and 11 operating on dual fuel, or (2) engine 14 is out of service, with power generated only through combinations of engines 9, 10 and 11 singly or together, with all operating on dual fuel.

   For both options A and B above, compliance with the NOx emission limit is measured on a facility-wide weighted average of all engines running at a particular time. In addition, the NOx emission limits set forth in options A and B above apply solely to non-emergency, steady-state operations, and exclude periods of startup and shutdown.

8. **Emission limits for startup and shutdown periods.** The Village shall provide to the NYSDEC, as part of the Village's application to renew the power plant's Title V permit, data to establish emission limits for NOx, CO and ammonia applicable to startup and shutdown periods of engine 14. The startup and shutdown periods will not exceed sixty (60) minutes each, assuming normal operating circumstances.

9. **Compliance with PM emission limit.** The Village shall continue to ensure compliance with the requirement in its Title V permit that each of engines 9, 10, 11, and 14 complies with the 0.1 lb/MMBtu particulate matter emission limit while in oil-fired mode.

10. **Order of engine operations in non-emergency situations.** The Village shall follow the following order of engine operations until the Village implements its selected option referenced in paragraph no. 4 above, to minimize NOx emissions while ensuring the ability to serve load during times when load exceeds the Village's current maximum import capacity:

   a. First, a combination of engines 14, 9 and 10, all operated on dual fuel (unless there is an inadequate gas supply to support such dual-fuel operations).
   b. If the foregoing combined capacity described in subpart (a) above is insufficient to serve non-emergency load, the plant will then also commence operation of engine 11 on dual fuel (unless there is an inadequate gas supply to support such dual-fuel operations).
   c. To the extent there is an inadequate gas supply to support the dual-fuel operations described in subparts (a) and (b) above, the plant will operate a combination of engines 9, 10 and 11 on dual fuel plus engine 14 on oil. The plant will decide which of the foregoing engine combinations to operate in light of load conditions, gas availability, weather and other factors consistent with prudent utility practice.

   For purposes of this paragraph 10, "inadequate gas supply" means that due to restrictions imposed by the local gas company on gas pressure or gas volume supplied to the Village's power plant, or due to failure of the gas compressor or related equipment, the supply of gas to the power plant is not sufficient to support 15 MW of gas-fired generation capacity.

11. **Engine tune-ups**. The Village shall perform tune-ups of each of the engines. The Village shall perform tune-ups of the engines that are permitted for non-emergency use (currently 9, 10, 11, and 14) in staggered fashion, but in no event less frequently than every thirty-six (36) months or 5,000 hours of operation for each engine, whichever occurs first. The Village shall also perform tune-ups of the emergency-only engines (7, 12 and 13) in staggered fashion, in no event less frequently than every sixty (60) months or 5,000 hours of operation for each engine, whichever occurs first. Starting with the lodging of the Consent Judgment, the Village shall tune-up at least two engines every year.

12. **Training**. The Village shall ensure that relevant Facility personnel, including engine operators, receive adequate training as to the procedures to be followed to ensure compliance with all requirements of the Title V Permit and the Consent Judgment, including but not limited to requirements relating to NOx, CO and emission limits and the order of engine operations.

13. **Reporting.** Within 60 days after the Effective Date of the Consent Judgment, the Village shall submit a report to EPA Region 2 documenting the Facility's compliance with the requirements of the Consent Judgment, including but not limited to interim emission limits, and providing an update on the Village's power plant upgrade project. Thereafter, the reporting period for each report shall be 90 days for two reporting periods, and then, upon showing sustained compliance with the provisions of the Consent Judgment, the reporting period shall be every 180 days thereafter, until the Consent Judgment is terminated. Each report shall be submitted within thirty (30) days following the end of each reporting period specified in the preceding sentence.

14. **Payment of civil penalty.** The Village shall pay a civil penalty in the amount of Ex. 7(A) Ex. 7(A) within _____ days after the court enters the Consent Judgment.

15. **Supplemental Environmental Project.** The Village shall pay for and implement a supplemental environmental project (SEP), funded by a minimum of Thirty Thousand Dollars ($30,000), to help protect human health and the environment. Examples of a potentially acceptable SEP include installation of electric vehicle charging stations at Village-owned parking lots, installation of energy efficient street lights, energy efficient building lights or

similar project. The Village shall submit its proposed SEP to EPA for approval prior to implementation, and shall implement the SEP by December 31, 2020.

16. **Modification of Consent Judgment.** The provisions of this Term Sheet will be incorporated into a Consent Judgment to be filed with the Court. After such filing has occurred, the Consent Judgment may be modified only upon the Court's acceptance of a written modification signed by duly authorized representatives of both EPA and the Village.

17. **Termination of Consent Judgment.** The Consent Judgment shall be deemed terminated upon EPA's acceptance of the Village's demonstration that the Village has fulfilled all of its obligations set forth in the Consent Judgment.

U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

May 6, 2019

Confidential and For Settlement Purposes Only
Not Admissible Pursuant to FRE 408

By E-mail (ede@dwgp.com) (w/ enclosure)

Eli Eilbott, Esq.
Duncan, Weinberg, Genzer & Pembroke, P.C.
1667 K Street NW, Suite 700
Washington, D.C. 20006

Re: Village of Rockville Centre

Dear Mr. Eilbott:

We write in response to your email dated December 4, 2018, seeking additional information and guidance relating to Supplemental Environmental Projects ("SEPs") in connection with the above-referenced matter.

The process of submitting a SEP proposal is informal, and there is no boiler plate template. The submittal generally has been referred to as a "Project Plan," and includes a description of the proposed project, the environmental benefit, the nexus of the project to the violations, a cost estimate, and a timeline/milestones.

The following is sample language set forth in another SEP, which we discussed during our last meeting:

> *¶ 1. Respondent agrees to, and shall in accordance with the terms and conditions of this Agreement perform the SEP described herein. (The obligations that apply to "Respondent" shall extend to any contractors Respondent retains to perform any aspect of the SEP.)*
>
> *The SEP shall consist of the following:*
>
> *a. Respondent shall install six electric vehicle (EV) charging stations in ___. Two of the charging stations shall be installed at ___, two shall be installed at ___, and two shall be installed at ___. Each charging station shall have a dual port charger, thus allowing two vehicles to be charged simultaneously at each station. The estimated cost per dual port charger is $5,000, totaling $30,000 for all of the EV charging station infrastructure;*

b. Respondent shall pay any and all costs associated with the proper and safe operation and maintenance of the charging stations;

c. Respondent shall not receive any direct and/or indirect payment and/or credit (in money or in kind) for the costs associated with the purchase, installation, operation or maintenance of the EV charging stations; and

d. Respondent shall begin the SEP within 90 days after the Effective Date of this Agreement and shall complete the installation of the six charging stations within 120 days after the Effective Date of this Agreement.

¶ 2. Respondent has indicated to EPA that the cost of the installation of six EV charging stations will total $30,000. Therefore, the total expenditure for the SEP shall be not less than $30,000 (with any savings enjoyed by the Respondent as a result of its implementation of the SEP not included in this total).

Enclosed is a sample SEP completion report. While this is not the project plan proposal itself, it may help guide Rockville Centre in the development of its own SEP proposal.

Finally, in response to your inquiry regarding the energy efficiency bulb replacement program at Rockville Centre, the EPA is aware that these projects have been approved in the past. However, this type of project is not necessarily innovative, and it is unclear what level of SEP credit Rockville Centre would receive if this project were proposed.

The SEP proposal and the other terms of the parties' proposed settlement of this matter remain subject to further DOJ review and approval. Further, the materials contained herein, and in the enclosure, are confidential settlement materials subject to Fed. R. Evid. 408.

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

By: s/ James R. Cho
James R. Cho
Assistant U.S. Attorney
(718) 254-6519
james.cho@usdoj.gov

Enclosure

cc: Liliana Villatora, Esq. (EPA Region 2) (via email only) (w/ enclosure)
Denise Leong, Esq. (EPA Region 2) (via email only) (w/ enclosure)

SEP Completion Report – [redacted]

March 6th, 2018

This report is to note the completion of the [redacted]'s SEP program, installing two, dual port electric vehicle charging stations (EV stations) at three locations in [redacted]: [redacted] campus ([redacted]), [redacted] Public Library (Library), and the [redacted] Department of Planning and Engineering building [redacted] ([redacted]). The EV stations were installed in two phases. The initial phase was at [redacted], and work was completed in October 2016. Subsequent to completion [redacted] and [redacted] staff were notified in March of 2017 of location code enforcement issues with the installation. Additional work occurred in the Spring of 2017 with final code certification occurring on August 29th, 2017. The total cost of the initial phase was $18,883.16.

The second phase of the project commenced in September of 2017, in accordance with the amendment to the SEP dated May 24th, 2017. Final code certification for the [redacted] and Library sites occurred on October 3rd, 2017 and November 21, 2017 respectively. The total cost for this phase was $19,614.01. The significant discrepancy in the cost of the four EV stations installed in phase two as compared to the two EV stations installed in phase one is due to the existing infrastructure in place at the sites. Additional site work and infrastructure was required for the [redacted] site, while the [redacted] and Library sites had been prepared in advance by the site owners for the EV stations to be installed.

The total project cost was $38,497.17. Below is a breakdown of costs associated with each phase of the project. Invoices, documentation, and photos of the completed installations are attached.

Station Location	[redacted]	[redacted] (Library and Planning Office)
Completion Date*	8/29/2017	10/3/17 (Planning Office) 11/21/17 (Library)
Charging Stations	2 Dual Port	4 Dual Port
Charging Station Cost	$6,194.00	$13,239.68
Labor Cost	$3,600.00	$5,235.00
Installation Cost	$9,089.16	$1,139.33
Total Cost	$18,883.16	$19,614.01
Total Project Cost	$38,497.17	

*Completion date indicates when charging stations passed final inspection by local code enforcement

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 4/24/2019 6:50:30 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: Re: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

> On Apr 24, 2019, at 2:46 PM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>
> Hi Matt,
>

Ex. 5 Attorney Client (AC)

>
> Thanks, Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Wednesday, April 24, 2019 10:51 AM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>

Ex. 5 Attorney Client (AC)

>
> -----Original Message-----
> From: Silverman, Matthew (USANYE)
> Sent: Wednesday, April 24, 2019 10:47 AM
> To: 'Leong, Denise' <Leong.Denise@epa.gov>
> Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

>
> Thanks,
> Matt
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Tuesday, April 23, 2019 5:45 PM
> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>
> Hi Matt,

Ex. 5 Attorney Client (AC)

>
> Thanks, Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Monday, April 22, 2019 5:47 PM
> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>
> Denise,

Ex. 5 Attorney Client (AC)

> Let's discuss tomorrow when you are available. I am around most of the day.
>
> Thanks,
>
> Matthew Silverman
> Assistant United States Attorney
> Chief of Environmental Litigation, Civil Division Eastern District of New York
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, New York 11201
> Tel: 718-254-6409
> Fax: 718-254-6081
> matthew.silverman@usdoj.gov
>
>
>
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Monday, April 22, 2019 4:13 PM

> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>
> Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Friday, April 19, 2019 10:33 AM
> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>

Ex. 5 Attorney Client (AC)

>
> I'm around most of next week, but feel free to reach out at your convenience.
>
> Matt
>
> Matthew Silverman
> Assistant United States Attorney
> Chief of Environmental Litigation, Civil Division Eastern District of New York
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, New York 11201
> Tel: 718-254-6409
> Fax: 718-254-6081
> matthew.silverman@usdoj.gov
>
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Friday, April 19, 2019 10:07 AM
> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>
> Hi Matt,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

> Thanks, Denise
>
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Friday, April 19, 2019 9:36 AM
> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
> Subject: RE: Rockville CD & SEP(s)
>
> Good Morning Liliana, Denise,

Ex. 5 Attorney Client (AC)

> Thanks!
>
> Matt
>
> Matthew Silverman
> Assistant United States Attorney
> Chief of Environmental Litigation, Civil Division Eastern District of New York
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, New York 11201
> Tel: 718-254-6409
> Fax: 718-254-6081
> matthew.silverman@usdoj.gov
>
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Tuesday, February 5, 2019 10:29 AM
> To: Cho, James (USANYE) <JCho@usa.doj.gov>
> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
> Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

> -----Original Message-----
> From: Leong, Denise
> Sent: Tuesday, January 29, 2019 4:58 PM
> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Subject: RE: Rockville CD draft compliance req
>
> Hi James,

Ex. 5 Attorney Client (AC)

>
> Thanks, Denise
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> -----Original Message-----
> From: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Sent: Monday, January 28, 2019 4:36 PM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Subject: RE: Ex. 7(A) CD draft compliance req

Ex. 5 Attorney Client (AC)

> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
>
> -----Original Message-----
> From: Cho, James (USANYE) <JCho@usa.doj.gov>
> Sent: Monday, January 28, 2019 4:34 PM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
> Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
>
> -----Original Message-----
> From: Leong, Denise <Leong.Denise@epa.gov>
> Sent: Friday, December 14, 2018 12:00 PM
> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
> Subject: RE: Rockville CD draft compliance req
>
> Hi James and Matthew,

Ex. 5 Attorney Client (AC)

> Thanks, Denise
>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199

>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Friday, December 14, 2018 11:55 AM
> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
> Cc: Leong, Denise <Leong.Denise@epa.gov>
> Subject: Re: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:
>
> Hi Denise,

Ex. 5 Attorney Client (AC)

>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>
> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
> Sent: Wednesday, August 8, 2018 1:59 PM
> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
> Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC) Thanks, Denise

>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
> Sent: Wednesday, August 08, 2018 1:58 PM
> To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
> Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>
> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
> Sent: Wednesday, August 8, 2018 1:54 PM

> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
> Subject: Rockville CD draft compliance req
>

Ex. 5 Attorney Client (AC)

>
> Denise Leong
> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
> 290 Broadway, 16th Floor
> New York, NY 10007
> Phone: (212) 637-3214
> Fax: (212) 637-3199
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
>
> <ENV_ENFORCEMENT #2805313-v1-ROCKVILLE_CJ_19_4_19_+MG + MSEDNY rev 4_22_19_epa 4-23-19.docx>

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 4/23/2019 1:57:25 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Rockville CD & SEP(s)

Thanks!

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, April 23, 2019 9:57 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD & SEP(s)

Sure, I'll give you a call at 2pm. Thank you, Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Tuesday, April 23, 2019 9:45 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Rockville CD & SEP(s)

Would 2pm work for you by any chance?

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

> On Apr 23, 2019, at 9:39 AM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>
> Hi Matt, no problem. Will 3pm work for a call? Thanks, Denise
>
> -----Original Message-----
> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Sent: Monday, April 22, 2019 7:01 PM
> To: Leong, Denise <Leong.Denise@epa.gov>
> Subject: Re: Rockville CD & SEP(s)
>
> Denise, I have meetings tomorrow at 10 and at 11. There may be some time to talk around 10:30, but it might be easier to talk tomorrow afternoon if that works for you. Thanks.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
>> On Apr 22, 2019, at 4:13 PM, Leong, Denise <Leong.Denise@epa.gov> wrote:
>>
>> Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise
>>
>> -----Original Message-----
>> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Sent: Friday, April 19, 2019 10:33 AM
>> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
>> Subject: RE: Rockville CD & SEP(s)
>>

Ex. 5 Attorney Client (AC)

>> I'm around most of next week, but feel free to reach out at your convenience.

>>
>> Matt
>>
>> Matthew Silverman
>> Assistant United States Attorney
>> Chief of Environmental Litigation, Civil Division Eastern District of New York
>> 271 Cadman Plaza East, 7th Floor
>> Brooklyn, New York 11201
>> Tel: 718-254-6409
>> Fax: 718-254-6081
>> matthew.silverman@usdoj.gov
>>
>>
>>
>>
>> -----Original Message-----
>> From: Leong, Denise <Leong.Denise@epa.gov>
>> Sent: Friday, April 19, 2019 10:07 AM
>> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
>> Subject: RE: Rockville CD & SEP(s)
>>
>> Hi Matt,

Ex. 5 Attorney Client (AC)

>> Thanks, Denise
>>
>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
>> Fax: (212) 637-3199
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>>
>>
>> -----Original Message-----
>> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Sent: Friday, April 19, 2019 9:36 AM
>> To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
>> Subject: RE: Rockville CD & SEP(s)
>>
>> Good Morning Liliana, Denise,
>>

Ex. 5 Attorney Client (AC)

>>
>> Thanks!
>>
>> Matt
>>
>> Matthew Silverman
>> Assistant United States Attorney
>> Chief of Environmental Litigation, Civil Division Eastern District of New York
>> 271 Cadman Plaza East, 7th Floor
>> Brooklyn, New York 11201
>> Tel: 718-254-6409
>> Fax: 718-254-6081
>> matthew.silverman@usdoj.gov
>>
>>
>>
>> -----Original Message-----
>> From: Leong, Denise <Leong.Denise@epa.gov>
>> Sent: Tuesday, February 5, 2019 10:29 AM
>> To: Cho, James (USANYE) <JCho@usa.doj.gov>
>> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
>> Subject: RE: Rockville CD draft compliance req
>>

Ex. 5 Attorney Client (AC)

>>
>> -----Original Message-----
>> From: Leong, Denise
>> Sent: Tuesday, January 29, 2019 4:58 PM
>> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
>> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Subject: RE: Rockville CD draft compliance req
>>
>> Hi James,

Ex. 5 Attorney Client (AC)

>>
>> Thanks, Denise
>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
>> Fax: (212) 637-3199
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>>
>>
>> -----Original Message-----
>> From: Cho, James (USANYE) <James.Cho@usdoj.gov>
>> Sent: Monday, January 28, 2019 4:36 PM
>> To: Leong, Denise <Leong.Denise@epa.gov>
>> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Subject: RE: Rockville CD draft compliance req
>>

Ex. 5 Attorney Client (AC)

>>
>> James R. Cho
>> Assistant U.S. Attorney

>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov
>>
>>
>> -----Original Message-----
>> From: Cho, James (USANYE) <JCho@usa.doj.gov>
>> Sent: Monday, January 28, 2019 4:34 PM
>> To: Leong, Denise <Leong.Denise@epa.gov>
>> Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
>> Subject: RE: Rockville CD draft compliance req
>>
>> Hi Denise,

Ex. 5 Attorney Client (AC)

>> James R. Cho
>> Assistant U.S. Attorney
>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov
>>
>>
>> -----Original Message-----
>> From: Leong, Denise <Leong.Denise@epa.gov>
>> Sent: Friday, December 14, 2018 12:00 PM
>> To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
>> Subject: RE: Rockville CD draft compliance req
>>
>> Hi James and Matthew,
>>

Ex. 5 Attorney Client (AC)

>>
>> Thanks, Denise
>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
>> New York, NY 10007
>> Phone: (212) 637-3214
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>>
>>
>> -----Original Message-----
>> From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
>> Sent: Friday, December 14, 2018 11:55 AM
>> To: Cho, James (USANYE) <James.Cho@usdoj.gov>
>> Cc: Leong, Denise <Leong.Denise@epa.gov>
>> Subject: Re: Rockville CD draft compliance req
>>
>> Thanks James, Denise.

Ex. 5 Attorney Client (AC)

>> Truly,
>> Matthew Silverman
>> Assistant U.S. Attorney, EDNY
>>
>> On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:
>>
>> Hi Denise,

Ex. 5 Attorney Client (AC)

>> James R. Cho
>> Assistant U.S. Attorney
>> U.S. Attorney's Office
>> Eastern District of New York
>> 271-A Cadman Plaza East, 7th floor
>> Brooklyn, New York 11201
>> 718-254-6519 (direct)
>> 718-254-7483 (fax)
>> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
>>
>> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
>> Sent: Wednesday, August 8, 2018 1:59 PM
>> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
>> Subject: RE: Rockville CD draft compliance req
>>

Ex. 5 Attorney Client (AC)

>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
>> 290 Broadway, 16th Floor
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>>
>>
>> From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
>> Sent: Wednesday, August 08, 2018 1:58 PM
>> To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
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Ex. 5 Attorney Client (AC)

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>> 271-A Cadman Plaza East, 7th floor
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>> james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>
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>> From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
>> Sent: Wednesday, August 8, 2018 1:54 PM
>> To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
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Ex. 5 Attorney Client (AC)

>>
>> Denise Leong
>> U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
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>>
>>

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 4/19/2019 2:32:38 PM
To: Leong, Denise [Leong.Denise@epa.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Rockville CD & SEP(s)
Attachments: 2019-4-18 RVCPP Consent Decree DRAFT v4 gl+EDNY (clean).docx; Appendix D State Parks Proposed SEPs.pdf

Ex. 5 Attorney Client (AC)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division
Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

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Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 Attorney Client (AC)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

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Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
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Ex. 5 Attorney Client (AC)

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Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

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Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James and Matthew,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor

New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Rockville CD draft compliance req

Thanks James, Denise,

Ex. 5 Attorney Client (AC)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Hi Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)

james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Froikin, Sara [Froikin.Sara@epa.gov]
Sent: 8/22/2017 7:50:49 PM
To: King, Rachel (ENRD) [Rachel.King@usdoj.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Brookhaven CD

Ex. 5 AC/AWP

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: King, Rachel (ENRD) [mailto:Rachel.King@usdoj.gov]
Sent: Tuesday, August 22, 2017 2:42 PM
To: Froikin, Sara <Froikin.Sara@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Brookhaven CD

Ex. 5 AC/AWP

Rachel Evans King
Trial Attorney
US Department of Justice
ENRD/EES
202-514-5471
Rachel.King@usdoj.gov

On Aug 22, 2017, at 2:31 PM, Froikin, Sara <Froikin.Sara@epa.gov> wrote:

PRIVILEGED

Hi Rachel,

Ex. 5 AC/AWP

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: LaVigna, Gaetano
Sent: Tuesday, August 22, 2017 12:00 PM

To: Froikin, Sara <Froikin.Sara@epa.gov>
Subject: FW: Brookhaven CD

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: LaVigna, Gaetano
Sent: Wednesday, May 31, 2017 3:36 PM
To: Simpson, James <Simpson.James@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Brookhaven CD - DUE DATE

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Simpson, James
Sent: Friday, May 19, 2017 11:53 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Brookhaven CD - DUE DATE
Importance: High

Hello folks,

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

<Brookhaven.CJ.Draft 5.7.17 gl.docx>

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 8/30/2019 5:42:39 PM
To: Simon, Paul [Simon.Paul@epa.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: RE: change in plans for this afternoon

Ex. 5 Attorney Client (AC)

From: Simon, Paul
Sent: Friday, August 30, 2019 1:41 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Re: change in plans for this afternoon

Ex. 5 Attorney Client (AC)

Sent from my iPhone

On Aug 30, 2019, at 1:21 PM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Paul,

Ex. 5 Attorney Client (AC)

Liliana

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 6/24/2019 8:59:08 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]; Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Rockville SEP

Works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

How is 11am for all?

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:57 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Thursday works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:46 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Wednesday is a bit tight, though I could do a call at 11am or noon.

Thursday I am free.

Matt

From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, June 24, 2019 4:44 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

I'm available any time on Wednesday and on Thursday, except from 3:30-5 p.m.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor

Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:40 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Yes I think we should talk. What is a good time for you?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 2:30 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Rockville SEP

Good Afternoon,

Ex. 5 Attorney Client (AC)

Matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Cho, James (USANYE) [James.Cho@usdoj.gov]
Sent: 6/24/2019 8:58:40 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Rockville SEP

Let me know if 10 a.m. on Thursday works. If so, I'll send around a calendar invite.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:57 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Thursday works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:46 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Wednesday is a bit tight, though I could do a call at 11am or noon.

Thursday I am free.

Matt

From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, June 24, 2019 4:44 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

I'm available any time on Wednesday and on Thursday, except from 3:30-5 p.m.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York

271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:40 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Yes I think we should talk. What is a good time for you?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 2:30 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Rockville SEP

Good Afternoon,

Ex. 5 Attorney Client (AC)

Matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Villatora, Liliana [Villatora.Liliana@epa.gov]
Sent: 6/24/2019 3:17:34 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: FW: SEPs and mitigation status

Ex. 5 Attorney Client (AC)

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 11:16 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: SEPs and mitigation status

Ex. 5 Attorney Client (AC)

Thanks
Matt

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 11:13 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: SEPs and mitigation status

I am in a meeting right now that will run until about noon. Can I give you a call then?

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 11:11 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: SEPs and mitigation status

Hi Liliana, do you have a minute or two today to talk about Rockville? Thanks,
matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Tuesday, May 7, 2019 12:29 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: SEPs and mitigation status

Yes, please let me know when you want to talk

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Tuesday, May 7, 2019 12:15 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: SEPs and mitigation status

Hi Liliana, do you have a few minutes free today to follow up on our discussion yesterday? Thanks, matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Sent: 5/24/2019 9:25:33 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]
Subject: Re: Rockville Centre - proposed dates for follow up meeting

Ex. 5 Attorney Client (AC)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On May 24, 2019, at 5:21 PM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Fyi re: our June 7th meeting.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Sent: Friday, May 24, 2019 5:19 PM
To: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Subject: RE: Rockville Centre - proposed dates for follow up meeting

We are available on June 7th. Let's pencil in that date for a tentative meeting subject to receiving any comments that you may have beforehand. Once we get comments back from you, we can have a discussion as to whether we think meeting on June 7th will still be productive or whether to meet later in the month.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Sent: Wednesday, May 22, 2019 11:31 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Rockville Centre - proposed dates for follow up meeting

Thanks, I will run those dates by Mr. Andreas. I take it June 7 didn't work for you?

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, May 22, 2019 11:15 AM
To: Eli Eilbott
Subject: Rockville Centre - proposed dates for follow up meeting

Mr. Eilbott,
We checked our calendars, and we are available for a follow up meeting on June 26, June 27 (except in the afternoon), and June 28.
If any of those days work for you and the Village, we can pencil in those days.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)

james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Cho, James (USANYE) [James.Cho@usdoj.gov]
Sent: 5/22/2019 3:13:16 PM
To: Leong, Denise [Leong.Denise@epa.gov]
Subject: RE: Rockville Centre - proposed consent judgment

Thanks.
Let's pencil in those days for now (except for June 27 in the afternoon. I have court that day).

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, May 17, 2019 5:16 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville Centre - proposed consent judgment

Hi James, the EPA folks are available to meet june 26, 27, or 28th. Hope you have a good weekend. - Denise

---

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, May 14, 2019 6:04 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville Centre - proposed consent judgment

Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, May 14, 2019 5:40 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville Centre - proposed consent judgment

Hi James, Thanks for the update. I will check in with the team regarding a meeting in June. - Denise

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, May 13, 2019 5:45 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre - proposed consent judgment
Importance: High

Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Sunday, May 12, 2019 1:56 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville Centre - proposed consent judgment
Importance: High

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Mr. Cho,

In advance of our call tomorrow at 10:00 a.m., please see the attached copy of the executed Letter Agreement between the Village and PSEG, pursuant to which PSEG will be providing an additional 10 MW of import capacity, once the Village completes certain upgrades and related work to the Village's substations and circuits on its distribution system.

In addition, I wanted to highlight the topics that I'd be interested in briefly discussing with you during that call. Those topics are:

1. The proposed schedule for completing the substation upgrade project to enable the Village to accommodate the increased import capacity.

2. Implementing paragraph 15 of the draft Consent Judgment (the substation project) in lieu of implementing para. 16 of the CJ (either adding NOx catalysts to engines 9 and 10 or reducing customer load through a combination of energy efficiency and demand side management measures and solar installations).

3. Reporting requirements.

4. Stipulated penalties.

5. Force majeure.

The Village is interested in setting up a meeting with you and your colleagues at the EPA at your offices in Brooklyn to discuss these issues in more detail and hopefully get the parties to the finish line in terms of finalizing the Consent Judgment and the SEP. It looks like the next availability of the Village Trustees for an Executive Session meeting with Mr. Andreas to discuss these matters is either Thursday May 30 or Monday June 3. Therefore, we'd like to suggest holding the EPA/DOJ/Village meeting on Friday, June 7, if that works for you.

I look forward to speaking with you regarding these issues tomorrow morning. In the meantime, I hope you have an enjoyable Mother's Day.

Regards,
Eli

Eli D. Eilbott

1667 K Street NW | Suite 700 | Washington, DC 20006
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

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From: Eli Eilbott
Sent: Monday, May 06, 2019 12:21 PM
To: 'Cho, James (USANYE)'
Subject: RE: Rockville Centre - proposed consent judgment

Thank you very much. I will review and discuss it with my client and then get back to you.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, May 06, 2019 10:53 AM
To: Eli Eilbott
Subject: Rockville Centre - proposed consent judgment

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Not Admissible Pursuant to FRE 408

Mr. Eilbott,
I've attached for your review and consideration the Government's proposed Consent Judgment, which is subject to further DOJ review and approval, in the Rockville Centre matter. I attached the draft as both a pdf and in rich-text format. Items highlighted in yellow are for the Village to complete.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 3/29/2019 8:36:13 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: Rockville Centre - implementing a SEP

Ex. 5 Attorney Client (AC) Thanks, Denise

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, March 29, 2019 4:32 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP
Importance: High

Denise,
See update below from Rockville Centre.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Friday, March 29, 2019 4:28 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville Centre - implementing a SEP
Importance: High

James,

Good afternoon. I'm pleased to inform you that the Village and PSEG have just finalized and executed their agreement under which PSEG will increase imports to the Village's electric distribution system by 10 MW, from 45 MW to 55 MW. There is still work the Village needs to do on its system, primarily involving upgrades to its substations and redistributing load on its distribution circuits, to enable the Village to take full advantage of the extra 10 MW, but we do now have an agreement in place with PSEG.

In the meantime, please let me know (1) where things stand on the drafting of a Consent Judgment to formalize the EPA-Village settlement agreement, and (2) when EPA will be able to provide the Village feedback on the SEP-related questions we posed in my Dec. 4 email below.

Thanks,
Eli

From: Eli Eilbott
Sent: Monday, January 07, 2019 1:59 PM

To: 'Cho, James (USANYE)'
Subject: RE: Rockville Centre - implementing a SEP

Hi James, Happy New Year. Anything yet from EPA on this?

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Thursday, December 20, 2018 12:31 PM
To: Eli Eilbott
Subject: RE: Rockville Centre - implementing a SEP

Will check and get back to you.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, December 20, 2018 10:50 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Re: Rockville Centre - implementing a SEP

Good morning. Has EPA provided any feedback on this yet?

On Dec 4, 2018, at 6:25 PM, Cho, James (USANYE) <James.Cho@usdoj.gov> wrote:

> **PRIVILEGED AND CONFIDENTIAL**
> **FOR SETTLEMENT PURPOSES ONLY**
> **NOT ADMISSIBLE PURSUANT TO F.R.E. 408**
>
> I'll forward your inquiry to the EPA and get back to you.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
> ---
>
> **From:** Eli Eilbott <EDE@dwgp.com>
> **Sent:** Tuesday, December 4, 2018 6:23 PM
> **To:** Cho, James (USANYE) <JCho@usa.doj.gov>
> **Subject:** Rockville Centre - implementing a SEP
>
> **PRIVILEGED AND CONFIDENTIAL**

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Mr. Cho,

This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.

Now that EPA and the Village's tentative settlement agreement includes the Village's implementation of a SEP funded by a minimum of $30,000, the Village would like to request that EPA provide more information as to the requirements for a proposed project to actually qualify as a SEP. We understand that the Village's proposed SEP should have a nexus to reducing fossil fuel combustion and/or reducing self-generation operations at the Village's power plant, and any more specifics which EPA could provide would be appreciated.

For example, the Village is contemplating a SEP that would consist of retrofitting a significant number of Village-owned and –operated street lights and/or indoor building lights with more energy efficient lightbulbs. Another option being considered was discussed during our meeting with you on November 27, i.e., installation of electric vehicle charging stations.

The Village feels that it would help expedite and streamline its process for developing an appropriate SEP if EPA could provide additional details and guidance on the types of projects EPA would deem acceptable as a SEP for purposes of the EPA-Village settlement agreement.

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Rockville Centre - confidential

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Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 12/4/2018 10:43:14 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: revised draft EPA-Rockville Centre term sheet

Thanks James. **Ex. 5 Attorney Client (AC)**

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Tuesday, December 04, 2018 5:11 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: revised draft EPA-Rockville Centre term sheet
Importance: High

Denise,

Ex. 5 AC/DP

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Tuesday, December 4, 2018 5:08 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: revised draft EPA-Rockville Centre term sheet
Importance: High

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Mr. Cho,

Attached please find a revised draft of the Term Sheet.

This version incorporates the new option of increasing the existing 45 MW power import limit, subject to finalizing the Village-PSEG agreement on that matter, and specifies the cash portion of the civil penalty in the amount of Ex. 7(A)

The attached makes other changes as compared to the last version, to reflect recent Village decisions to permanently retire both engines 7 and 8 (not just engine 8), to reclassify both engines 12 and 13 as emergency-only engines, and to include the 2.3 g/bhp-hr NOx limit in the application submitted last month to the NYSDEC to renew the power plant's Title V Permit.

In addition, we have taken the liberty of adding three new provisions to the term sheet. Paragraph 15 addresses the Village's commitment to implement a supplemental environmental project, while paragraphs 16 and 17 address modification and termination of the consent judgment, respectively.

We look forward to working with you to finalizing the settlement agreement/Consent Judgment based on this term sheet. In the meantime, please advise where things stand with EPA's obtaining the necessary internal approvals to move forward with the settlement.

Thank you.

Eli D. Eilbott

DWG&P
DUNCAN WEINBERG GENZER PEMBROKE

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com
www.dwgp.com

EFFECTIVE DECEMBER 17, 2018 OUR NEW ADDRESS IS 1667 K STREET NW, SUITE 700, WASHINGTON, D.C. 20006

This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 30, 2018 9:21 AM
To: Eli Eilbott
Subject: RE: meeting

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Thanks for the email. We'll check on our end and get back to you.

James R. Cho

Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, November 29, 2018 6:50 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: meeting

PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE PURSUANT TO F.R.E. 408

Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a Ex. 7(A) penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is sufficient feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

Good morning. We just arrived, going through security on first floor now.

On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com> wrote:

> Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.
>
> Eli D. Eilbott
>
> <image001.png>
>
> 1615 M Street NW | Suite 800 | Washington, DC 20036
> (202) 467-6370 | ede@dwgp.com
> www.dwgp.com
>
> This communication is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Rockville Centre so I can inform our security. Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 11/30/2018 10:29:04 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: meeting -Rockville settlement approval

I was forwarding this too quick and inadvertently left your email off so I'm forwarding it to you now. See below for update. Thanks, Denise

-----Original Message-----
From: Leong, Denise
Sent: Friday, November 30, 2018 9:06 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Kan, Richard <kan.richard@epa.gov>
Subject: FW: meeting -Rockville settlement approval

Ex. 5 Attorney Client (AC)

reflect this. Thanks, Denise

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 29, 2018 8:22 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: meeting

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 29, 2018 at 6:50:22 PM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: meeting

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Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a $ Ex. 7(A) vil penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is surrrrent feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

Thanks,
Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

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Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

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At your convenience, let me know who we should expect from Rockville Centre so I can inform our security.
Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
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Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 11/30/2018 9:26:58 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: meeting

Thanks James Ex. 5 Attorney Client (AC)
Ex. 5 Attorney Client (AC) - Denise

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 29, 2018 8:22 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: meeting

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 29, 2018 at 6:50:22 PM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: RE: meeting

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Mr. Cho,

I wanted to let you know that the Village Trustees just adopted a resolution late this afternoon approving the tentative EPA-Village agreement of this past Tuesday, i.e., payment of a Ex. 7(A) civil penalty plus funding of a SEP in the amount of at least $30,000. I trust this now is sufficient feedback for EPA to move forward in securing the necessary approval(s) on its end. Please advise either way.

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Eli

From: Eli Eilbott
Sent: Tuesday, November 27, 2018 9:51 AM
To: Cho, James (USANYE)
Subject: Re: meeting

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On Nov 26, 2018, at 3:51 PM, Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>> wrote:
Thanks for checking. Yes, we'll be there tomorrow morning at 10. It will be the same group of three of us: Phil Andreas, Eileen Foglietta and me.

Eli D. Eilbott

<image001.png>

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Monday, November 26, 2018 3:38 PM
To: Eli Eilbott
Subject: meeting

I wanted to double check to make sure we're still on for our meeting tomorrow at 10 a.m.
At your convenience, let me know who we should expect from Rockville Centre so I can inform our security.
Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/24/2019 6:44:52 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: RE: Rockville CD & SEP(s)
Attachments: ENV_ENFORCEMENT #2805313-v1-ROCKVILLE_CJ_19_4_19_+MG + MSEDNY rev 4_22_19_epa 4-23-19.docx

Hi Matt,

Ex. 5 Attorney Client (AC)

Thanks, Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Wednesday, April 24, 2019 10:51 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Silverman, Matthew (USANYE)
Sent: Wednesday, April 24, 2019 10:47 AM
To: 'Leong, Denise' <Leong.Denise@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

Thanks,
Matt

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, April 23, 2019 5:45 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt,

Ex. 5 Attorney Client (AC)

Thanks, Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, April 22, 2019 5:47 PM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

Let's discuss tomorrow when you are available. I am around most of the day.

Thanks,

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Monday, April 22, 2019 4:13 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt, Ok thanks, I will try to reach you tomorrow morning. - Denise

-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 10:33 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Ex. 5 Attorney Client (AC)

I'm around most of next week, but feel free to reach out at your convenience.

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, April 19, 2019 10:07 AM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Hi Matt,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 Attorney Client (AC)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch

290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Hi Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James and Matthew,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Rockville CD draft compliance req

Thanks James, Denise,

Ex. 5 Attorney Client (AC)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Hi Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
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Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 6/24/2019 9:09:29 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Rockville SEP

Works for me too thanks! - denise

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, June 24, 2019 4:59 PM
To: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

11 a.m. on Thursday works for me.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Sent: Monday, June 24, 2019 4:58 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

How is 11am for all?

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:57 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Thursday works for me

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 4:46 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Wednesday is a bit tight, though I could do a call at 11am or noon.

Thursday I am free.

Matt

From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, June 24, 2019 4:44 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

I'm available any time on Wednesday and on Thursday, except from 3:30-5 p.m.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, June 24, 2019 4:40 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville SEP

Ex. 5 Attorney Client (AC)

From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Monday, June 24, 2019 2:30 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: Rockville SEP

Good Afternoon,

Ex. 5 Attorney Client (AC)

Matt

Matthew Silverman
Assistant U.S. Attorney
Chief of Environmental Litigation
Civil Division, EDNY
718-254-6409

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/19/2019 2:07:24 PM
To: Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]; Cho, James (USANYE) [James.Cho@usdoj.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Rockville CD & SEP(s)
Attachments: Rockville term sheet EPA revision 4-3-19.docx

Hi Matt,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, April 19, 2019 9:36 AM
To: Leong, Denise <Leong.Denise@epa.gov>; Cho, James (USANYE) <James.Cho@usdoj.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville CD & SEP(s)

Good Morning Liliana, Denise,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks!

Matt

Matthew Silverman
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6409
Fax: 718-254-6081
matthew.silverman@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Tuesday, February 5, 2019 10:29 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, January 29, 2019 4:58 PM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Hi James,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Monday, January 28, 2019 4:36 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)

718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Cho, James (USANYE) <JCho@usa.doj.gov>
Sent: Monday, January 28, 2019 4:34 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Rockville CD draft compliance req

Hi Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

-----Original Message-----
From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Friday, December 14, 2018 12:00 PM
To: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Ex. 7(A) CD draft compliance req

Hi James and Matthew,

Ex. 5 Attorney Client (AC)

Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Sent: Friday, December 14, 2018 11:55 AM
To: Cho, James (USANYE) <James.Cho@usdoj.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>
Subject: Re: Rockville CD draft compliance req

Thanks James, Denise,

Ex. 5 Attorney Client (AC)

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

On Dec 14, 2018, at 10:59 AM, Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>> wrote:

Hi Denise,

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor

Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:59 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC) Thanks, Denise

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Wednesday, August 08, 2018 1:58 PM
To: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Subject: RE: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Leong, Denise <Leong.Denise@epa.gov<mailto:Leong.Denise@epa.gov>>
Sent: Wednesday, August 8, 2018 1:54 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: Rockville CD draft compliance req

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2 Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/17/2019 2:47:31 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Rockville Center

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Villatora, Liliana
Sent: Wednesday, April 17, 2019 8:51 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville Center

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Leong, Denise
Sent: Tuesday, April 16, 2019 2:42 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: RE: Rockville Center

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Villatora, Liliana
Sent: Tuesday, April 16, 2019 2:35 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Center

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Simon, Paul
Sent: Tuesday, April 16, 2019 2:28 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Rockville Center

Ex. 5 Attorney Client (AC)

Sent from my iPhone

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/17/2019 2:46:07 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Rockville Center

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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-----Original Message-----
From: Villatora, Liliana
Sent: Tuesday, April 16, 2019 2:35 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Center

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Simon, Paul
Sent: Tuesday, April 16, 2019 2:28 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: Rockville Center

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Sent from my iPhone

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 11/15/2018 2:11:21 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: questions about EPA's SEP Policy

Ex. 5 Attorney Client (AC)

-----Original Message-----
From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, November 15, 2018 7:15 AM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: Fwd: questions about EPA's SEP Policy

FYI. Looks like we have more time.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor<x-apple-data-detectors://9/0>
Brooklyn, New York 11201<x-apple-data-detectors://9/0>
718-254-6519<tel:718-254-6519> (direct)
718-254-7483<tel:718-254-7483> (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

Begin forwarded message:

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Date: November 15, 2018 at 3:34:54 AM EST
To: "Cho, James (USANYE)" <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>>
Subject: Re: questions about EPA's SEP Policy

Thanks for the update. Now looks like the Trustees meeting is being pushed back to this Friday or possibly Monday. If you have some but not all responses, please send what you have. Thank you.

On Nov 14, 2018, at 5:08 PM, Cho, James (USANYE) <James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>> wrote:

Mr. Eilbott,
We are still working on our response to your information request, but it is unlikely that we'll be able to provide you with a response by tonight. We'll try our best to provide our response by tomorrow. What time is the meeting with the Trustees?

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov<mailto:james.cho@usdoj.gov>

From: Eli Eilbott <EDE@dwgp.com<mailto:EDE@dwgp.com>>
Sent: Tuesday, November 13, 2018 11:34 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov<mailto:JCho@usa.doj.gov>>
Subject: RE: questions about EPA's SEP Policy

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Actually, re-reading the SEP Policy language quoted in my question no 1 below, I believe my figure of Ex. 7(A) not correct, since I added 10% of the economic benefit component when it should be 10% of the gravity component. I believe that translates into approximately Ex. 7(A) for the economic benefit component, plus 10% of the Ex. 7(A) gravity component). So, a SEP would seem to make even less sense, assuming the foregoing is correct.

From: Eli Eilbott
Sent: Tuesday, November 13, 2018 11:21 AM
To: James.Cho@usdoj.gov<mailto:James.Cho@usdoj.gov>
Subject: questions about EPA's SEP Policy
Importance: High

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Mr. Cho,

Thanks again for this past Friday's meeting with the Village of Rockville Centre. Since that time we've been reviewing EPA's SEP policy, which I believe was most recently updated in March 2015, according to this info: https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf

The Village had a few questions for your team regarding how a potential SEP implemented by the Village as part of a settlement of the Feb. 2012 NOV might work. Because Mr. Andreas will be meeting with the Village Trustees this Thursday to discuss this matter and because EPA and the Village are scheduled to meet again on Nov. 27, I would greatly appreciate it if you/EPA could clarify the following by COB tomorrow if at all possible:

1. As I read Section IX.B.1 of the Policy, at page 21, where a settlement includes a SEP, the amount of the penalty must be equal to the greater of (a) the economic benefit of noncompliance plus ten percent of the gravity component, or (b) twenty-five percent of the gravity component. Ex. 7(A)

Ex. 7(A)

2. At the top of p.24 of the Policy, in Section IX.C, it states that "The amount of penalty mitigation given for a SEP should be equivalent to a percentage of the estimated cost to implement the SEP and should not exceed eighty percent (80%) of that estimated cost." Further down on that same page, however, it provides that "For defendants that are . . . government agencies or entities . . . the penalty mitigation amount may be set as high as one hundred percent (100%) of the estimated SEP cost, if the defendant can demonstrate the project is of outstanding quality." Footnote 33 on that page, in turn, states "Outstanding quality may be based on how well a SEP meets and exceeds one or more of the evaluation criteria described in Section VIII, as well as on relevant case-specific factors." To help the Village better understand the possibility that a potential SEP it might implement would earn a 100% penalty mitigation, could EPA provide any more concrete information on what it might consider a SEP of " outstanding quality"? I realize the Policy states this is a case-by-case determination, but any additional info EPA could provide on this point would be helpful.

3. In Section X at page 25 of the Policy, it states that certain project-related costs must be excluded from the portion of the SEP eligible for penalty mitigation. The Policy states that "Examples of costs to consider that are generally not appropriate for inclusion include: overhead; additional employee time and salary; administrative expenses; most legal fees; and contractor oversight." I'm struggling to understand those examples, since they seem quite broad. If Village employees implement a SEP within the Village boundaries, would the Village's cost for that employee labor be considered " additional" time and salary and thus completely excluded from the mitigation eligibility? Would the only mitigation-eligible costs of such a project be parts/materials/equipment? And can EPA shed light on how broad or narrow the definition of "administration expenses" is in that portion of the Policy?

4. Section XII.A.2 at page 36 of the Policy seems to provide EPA with discretion in a particular settlement to exempt the proposed SEP from one or more requirements of the Policy. There it states as follows: "In all cases including a SEP which may not fully comply with the provisions of this Policy (e.g., the proposed settlement penalty is less than the minimum required penalty) . . . the settlement and the SEP must be approved by the Assistant Administrator for OECA." If I'm reading that catch-all exception correctly, EPA would have the discretion, for example, to accept a penalty payment by the Village at a level lower than what would seem otherwise required by the section of the Policy that I quote in my question 1 above. At what point in the SEP review process would EPA make such a decision?

Lastly, a question not directed to the SEP Policy. Specifically, to what extent, if any, would EPA allow the Village to pay the penalty portion of a settlement in installments (e.g., payment of one-quarter the total penalty each year for four consecutive years) as opposed to requiring the Village to make a one-time upfront payment of the entire penalty?

Thank you in advance for your assistance with this. Again, given the meeting with the Trustees this Thursday, we'd greatly appreciate receiving EPA's responses to the foregoing by COB tomorrow if possible.

Eli

Eli D. Eilbott

<image001.png>

1615 M Street NW | Suite 800 | Washington, DC 20036
(202) 467-6370 | ede@dwgp.com<mailto:ede@dwgp.com> www.dwgp.com<http://www.dwgp.com/>

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Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 4/2/2019 9:22:40 PM
To: Cho, James (USANYE) [James.Cho@usdoj.gov]
Subject: RE: Rockville Centre - implementing a SEP
Attachments: SEP Completion Report (Blacked).docx

Ex. 5 Attorney Client (AC)

From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Friday, March 29, 2019 4:39 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP

Ex. 5 Attorney Client (AC)

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Thursday, December 20, 2018 5:44 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville Centre - implementing a SEP

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007

Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, December 20, 2018 3:21 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: Rockville Centre - implementing a SEP

Thanks.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Leong, Denise <Leong.Denise@epa.gov>
Sent: Thursday, December 20, 2018 3:14 PM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: RE: Rockville Centre - implementing a SEP

Ex. 5 Attorney Client (AC)

Denise Leong
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway, 16th Floor
New York, NY 10007
Phone: (212) 637-3214
Fax: (212) 637-3199

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From: Cho, James (USANYE) <James.Cho@usdoj.gov>
Sent: Thursday, December 20, 2018 12:31 PM
To: Leong, Denise <Leong.Denise@epa.gov>
Subject: FW: Rockville Centre - implementing a SEP

Hi Denise,
See email below. **Ex. 5 Attorney Client (AC)**

James R. Cho

Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

From: Eli Eilbott <EDE@dwgp.com>
Sent: Thursday, December 20, 2018 10:50 AM
To: Cho, James (USANYE) <JCho@usa.doj.gov>
Subject: Re: Rockville Centre - implementing a SEP

Good morning. Has EPA provided any feedback on this yet?

On Dec 4, 2018, at 6:25 PM, Cho, James (USANYE) <James.Cho@usdoj.gov> wrote:

> **PRIVILEGED AND CONFIDENTIAL**
> **FOR SETTLEMENT PURPOSES ONLY**
> **NOT ADMISSIBLE PURSUANT TO F.R.E. 408**
>
> I'll forward your inquiry to the EPA and get back to you.
>
> James R. Cho
> Assistant U.S. Attorney
> U.S. Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East, 7th floor
> Brooklyn, New York 11201
> 718-254-6519 (direct)
> 718-254-7483 (fax)
> james.cho@usdoj.gov
>
> ---
>
> **From:** Eli Eilbott <EDE@dwgp.com>
> **Sent:** Tuesday, December 4, 2018 6:23 PM
> **To:** Cho, James (USANYE) <JCho@usa.doj.gov>
> **Subject:** Rockville Centre - implementing a SEP
>
> **PRIVILEGED AND CONFIDENTIAL**
> **FOR SETTLEMENT PURPOSES ONLY**
> **NOT ADMISSIBLE PURSUANT TO F.R.E. 408**
>
> Mr. Cho,
>
> This follows up our prior email exchange regarding EPA's policy on Supplemental Environmental Projects.
>
> Now that EPA and the Village's tentative settlement agreement includes the Village's implementation of a SEP funded by a minimum of $30,000, the Village would like to request that EPA provide more information as to the requirements for a proposed project to actually qualify as a SEP. We understand that the Village's proposed SEP should have a nexus to reducing fossil fuel combustion and/or reducing

self-generation operations at the Village's power plant, and any more specifics which EPA could provide would be appreciated.

For example, the Village is contemplating a SEP that would consist of retrofitting a significant number of Village-owned and –operated street lights and/or indoor building lights with more energy efficient lightbulbs. Another option being considered was discussed during our meeting with you on November 27, i.e., installation of electric vehicle charging stations.

The Village feels that it would help expedite and streamline its process for developing an appropriate SEP if EPA could provide additional details and guidance on the types of projects EPA would deem acceptable as a SEP for purposes of the EPA-Village settlement agreement.

Thank you in advance.

Eli

From: Cho, James (USANYE) [mailto:James.Cho@usdoj.gov]
Sent: Friday, November 16, 2018 7:42 PM
To: Eli Eilbott
Cc: Villatora, Liliana; Leong, Denise
Subject: Rockville Centre - confidential

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Mr. Eilbott,
Please see the attached response to your November 13, 2018 information requests.

James R. Cho
Assistant U.S. Attorney
U.S. Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th floor
Brooklyn, New York 11201
718-254-6519 (direct)
718-254-7483 (fax)
james.cho@usdoj.gov

Message

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 8/12/2019 2:26:36 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]
Subject: Ex. 5 AC

Ex. 5 AC

-----Original Appointment-----
From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Thursday, August 08, 2019 2:10 PM
To: Buettner, Robert; Urdaz, Damaris; Villatora, Liliana; LaVigna, Gaetano; Cardile, Joseph
Cc: Leong, Denise; McHale, Mary
Subject: Ex. 5 AC
When: Monday, August 12, 2019 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Robert's office
Importance: High

-----Original Appointment-----
From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Thursday, August 8, 2019 7:29 AM
To: Buettner, Robert; Urdaz, Damaris; Villatora, Liliana; LaVigna, Gaetano; Cardile, Joseph
Cc: McHale, Mary
Subject: Ex. 5 AC
When: Monday, August 12, 2019 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Robert's office
Importance: High

Ex. 5 AC

Appointment

From: Leong, Denise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECA6126A23B420BAB31304140E0E4AF-LEONG, DENISE]
Sent: 8/12/2019 2:24:42 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]

Subject: Accepted: FW: Ex. 5 AC/DP
Location: Robert's office

Start: 8/12/2019 3:30:00 PM
End: 8/12/2019 4:00:00 PM
Show Time As: Busy

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/17/2019 2:35:02 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: RE: Northport

Thanks for keeping me posted!

From: McKenna, Douglas
Sent: Wednesday, April 17, 2019 8:03 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Fwd: Northport

Begin forwarded message:

> **From:** "McKenna, Douglas" <McKenna.Douglas@epa.gov>
> **Date:** April 17, 2019 at 8:02:43 AM EDT
> **To:** "Simon, Paul" <Simon.Paul@epa.gov>
> **Cc:** "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>, "LaPosta, Dore" <LaPosta.Dore@epa.gov>, "Anderson, Kate" <Anderson.Kate@epa.gov>
> **Subject: Re: Northport**
>
> **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
>
> Thanks
>
> > On Apr 17, 2019, at 7:56 AM, Simon, Paul <Simon.Paul@epa.gov> wrote:
> >
> > **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
> >
> > Thanks
> >
> > Sent from my iPhone

Message

From: LaPosta, Dore [LaPosta.Dore@epa.gov]
Sent: 7/1/2019 1:31:14 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Anderson, Kate [Anderson.Kate@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you. Ex. 6 - Personal Privacy (PP)

Sent from my iPhone

On Jul 1, 2019, at 9:25 AM, McKenna, Douglas <McKenna.Douglas@epa.gov> wrote:

Thank you, welcome back.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

I'll be checking emails and you can call or have Nicole call if you need something.

Ex. 6 - Personal Privacy (PP)

Thanks Doug

On Jun 30, 2019, at 8:45 AM, LaPosta, Dore <LaPosta.Dore@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Schaaf, Eric" <Schaaf.Eric@epa.gov>
Date: June 28, 2019 at 5:12:41 PM EDT
To: "Lopez, Peter" <lopez.peter@epa.gov>

Cc: "Murphy, Kara" <Murphy.Kara@epa.gov>, "Feinmark, Phyllis" <Feinmark.Phyllis@epa.gov>, "Simon, Paul" <Simon.Paul@epa.gov>, "Hickey, Maureen" <Hickey.Maureen@epa.gov>, "Lyon, Christopher" <lyon.christopher@epa.gov>, "LaPosta, Dore" <LaPosta.Dore@epa.gov>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Eric

Message

From: McKenna, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6C53137BA7A45828A1415278F682D39-MCKENNA, DOUGHLAS]
Sent: 2/4/2019 1:01:32 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
CC: Phyllis Feinmark [Feinmark.Phyllis@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Kate Anderson [Anderson.Kate@epa.gov]
Subject: FW: Proposed settlement -- Northport
Attachments: Northport Final Briefing Paper 12-19-2018.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Mugdan, Walter
Sent: Thursday, December 20, 2018 8:44 AM
To: Lopez, Peter <lopez.peter@epa.gov>
Cc: Lyon, Christopher <lyon.christopher@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Proposed settlement -- Northport

Hi Pete,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Walter

Northport Final Briefing Paper 12...

Message

From: McKenna, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6C53137BA7A45828A1415278F682D39-MCKENNA, DOUGHLAS]
Sent: 6/13/2018 6:51:13 PM
To: Kate Anderson [Anderson.Kate@epa.gov]; Dore LaPosta [LaPosta.Dore@epa.gov]
CC: Chiang, Johnny [Chiang.Johnny@epa.gov]
Subject: Briefing Paper_Northport (for RA briefing)_6-13-2018.docx
Attachments: Briefing Paper_Northport (for RA briefing)_6-13-2018.docx

Here is the paper with ORC staff comments incorporated, Phyllis says she still has to look at it but this is fine for your review. Thanks

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/11/2018 5:30:53 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport - SEP DISCUSSION
Location: Justine's Office

Start: 4/12/2018 1:30:00 PM
End: 4/12/2018 2:00:00 PM
Show Time As: Tentative

Appointment

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 4/11/2018 5:31:53 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: Accepted: Northport - SEP DISCUSSION
Location: Justine's Office

Start: 4/12/2018 7:00:00 PM
End: 4/12/2018 7:30:00 PM
Show Time As: Busy

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/17/2018 5:50:58 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Northport - SEP CD Language
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 1/18/2018 2:15:00 PM
End: 1/18/2018 3:00:00 PM
Show Time As: Tentative

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/12/2018 9:20:29 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport CD - SEP Proposal Discussion
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 2/13/2018 8:00:00 PM
End: 2/13/2018 9:00:00 PM
Show Time As: Tentative

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/15/2018 11:07:33 AM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: CD and SEP Discussion with Northport
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 5/15/2018 7:00:00 PM
End: 5/15/2018 8:00:00 PM
Show Time As: Tentative

Appointment

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/16/2018 7:29:38 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]

Subject: Northport - Discussion of John's email re: SEP and Penalty
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 5/17/2018 5:00:00 PM
End: 5/17/2018 5:30:00 PM
Show Time As: Tentative

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/31/2019 1:45:04 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: McKenna, Douglas [McKenna.Douglas@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Northport

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Northport

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

Please see below for more context.

Truly,
Matthew Silverman
Assistant U.S. Attorney, EDNY

Begin forwarded message:

From: "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
Date: May 23, 2019 at 11:46:39 AM EDT
To: "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
Subject: Re: Bookhaven and Northport

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM, Dworkin, Karen (ENRD) <KDworkin@enrd.usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Appointment

From: Mann, Katherine [Mann.Katherine@epa.gov]
Sent: 3/2/2018 4:18:26 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]

Subject: Technical Call with Northport to Discuss SEP Options
Location: Justine's Office

Start: 3/6/2018 4:30:00 PM
End: 3/6/2018 5:30:00 PM
Show Time As: Tentative

Conference number: Ex. 6 - Personal Privacy (PP)

Ex. 6 - Personal Privacy (PP)

Ex. 5 AC/DP

Message

From: McKenna, Douglas [McKenna.Douglas@epa.gov]
Sent: 6/17/2018 10:17:50 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: Re: Ex. 5 Attorney Client (AC)

Nope

On Jun 15, 2018, at 8:29 PM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:

Ex. 5 - Attorney-Client (AC)

Sent from my iPhone

Begin forwarded message:

From: "Murphy, Kara" <Murphy.Kara@epa.gov>
Date: June 15, 2018 at 6:11:54 PM EDT
To: "Modigliani, Justine" <Modigliani.Justine@epa.gov>
Cc: "Mann, Katherine" <Mann.Katherine@epa.gov>, "Murphy, Kara" <Murphy.Kara@epa.gov>
Subject: Ex. 5 Attorney Client (AC)

Ex. 5 - Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Friday, June 15, 2018 3:33 PM

To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>
Subject: FW: Ex. 5 Attorney Client (AC)

Ex. 5 - Attorney-Client (AC)

From: Murphy, Kara
Sent: Friday, June 15, 2018 3:11 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/14/2018 8:53:41 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport

Yeah, I'll probably have to stay late. It's fine.

From: Modigliani, Justine
Sent: Monday, May 14, 2018 4:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Oh I see it got scheduled for 3 now. Not a ton of time for you but I guess we make it work?

On May 14, 2018, at 2:41 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> I can do the call tomorrow from 1:30-3:30pm b/c he wants to go over the CD. Katherine – I know you have something from 2-3. Are you ok with jumping on when are available and having Justine cover those

Ex. 5 AC/DP

> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Monday, May 14, 2018 2:37 PM
> **To:** John.Vagelatos@usdoj.gov
> **Cc:** Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** RE: Northport
>
> **Ex. 6 - Personal Privacy (PP)** Can we either do today or from 1:30 to 3:30 tomorrow.
>
> Thanks,
>
> *Stuart P. Besen*
> *Partner*
>
> **MMP&S**
> Milber Makris Plousadis & Seiden, LLP
> 1000 Woodbury Road, Suite 402
> Woodbury, New York 11797
> 516.712.4000 ext. 1176
> 516.712.4013 fax
> sbesen@milbermakris.com
>
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---

> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Monday, May 14, 2018 2:13 PM
> **To:** Stuart Besen <sbesen@milbermakris.com>
> **Cc:** Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine

(Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Stuart,
I just left you a voicemail as your line was busy, but to reiterate:

1. Yes, we consent to an extension until this Friday to provide a written submission answering EPA's questions about the proposed SEPs.
2. If you're available, we can speak tomorrow, Tuesday, at 10:30 to discuss the proposed revisions/questions concerning the Consent Judgment. We can call you at that time. Please confirm that 10:30 works for you.

Best,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, May 14, 2018 12:21 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Northport

I just left you a message. I would appreciate an extension until this Friday regarding the SEP. I believe we are going to do two Rain Gardens and the engineering cost of $126,750.00 that was agreed upon for the bluff Point Sewer hookup. I am available today or this week to go over our proposed revisions. We have a Board Meeting tomorrow night. Please call at your earliest convenience. The construction cost at this time is impossible to determine because we are required to bid it out. We are not sure how much the 5 million dollar grant we received will cover the project.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, April 30, 2018 6:13 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. CIV. P. 408

Stuart,

I hope you are well. Thank you for Northport's April 23, 2018 comments on the draft Consent Judgment ("CJ").

I attach a revised version of the draft CJ which annotates Northport's comments, and includes our proposed revisions, responses and placeholders for further discussion.

Significantly, please note that on March 27 and March 28, 2018, the EPA sent two emails requesting information on the proposed SEPs. We cannot complete our SEP credit and penalty analysis without this information.

Specifically, EPA requires the following information in order to finalize its determinations of SEP credit:
I. Rain Garden SEP
1) Please confirm that there have been no changes to the SEP description and costs provided in the 2/2/17 Northport letter;
a) If changes have been made, please provide updates.
2) Please provide a status update on the rain garden SEP and the SEP completion date.
II. Sewer Expansion Project SEP
1) Please identify the portion of the Bluff's Point costs provided on 3/27/18 that Northport is paying for directly (as opposed to by receiving, or contingent upon receiving, grant money or any third-party funding); and
2) Please provide the SEP completion date for Bluff's Point.
Please provide the requested information by May 14, 2018. ***If we do not receive the information by that date, we will not be able to provide Northport with credit for these projects.***

Please let us know when it would be convenient to walk through the CJ and discuss the open issues. If we receive the SEP information quickly, we should also be able to tell Northport what credit it can receive and the penalty amount.

Best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 7:55:27 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Consent Judgment and Appendix B

Totally!

From: Modigliani, Justine
Sent: Friday, May 24, 2019 3:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 Deliberative Process (DP)

From: Murphy, Kara
Sent: Friday, May 24, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:19 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 3:15 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 Attorney Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 2:59 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Consent Judgment and Appendix B

Ex. 5 Attorney Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 2:23 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

Please see below – Thanks!

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, September 26, 2018 6:27 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment and Appendix B

FYI

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Tuesday, September 25, 2018 3:19 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

Pursuant to our recent telephone conversation of today, we have the following question(s):

1. We are in the process of sending out the BID documents to start construction of the sewer hook-up of the houses on Bluff Point Road pursuant to our SEP. We will have the construction and project completed by the spring 2019. However, each homeowner is responsible for placing laterals on their property in order to hook up to our pipes etc., that we are placing in the ground. The laterals must be paid for by the individual homeowner by law since a municipality cannot make improvements on private property. If one homeowner refuses to put in a lateral will we still get credit for the SEP, if we complete everything that we can do?

2. Can we do one rain garden instead of two if the money to build the rain garden equals the sum of $20,000.00 or more.

3. Everything else in agreement is good and we agree to the penalty of Ex. 7(A)

Stuart P. Besen
Partner

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, September 24, 2018 3:44 PM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
Could you please provide an update?
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, September 19, 2018 5:17 PM
To: 'Stuart Besen' <sbesen@milbermakris.com>
Subject: RE: Consent Judgment and Appendix B

Stuart,
Where do we stand?
As I mentioned in my Aug. 30 email, we're trying to get approval on Northport's settlement proposal, but need Northport's sign-off on the language of the Consent Judgment and answers to the Appendix Questions for our approval memos?
Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, August 30, 2018 3:27 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Consent Judgment and Appendix B

I am looking to address the Board at our September 18, 2018 meeting.

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, August 30, 2018 10:37 AM
To: Stuart Besen <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,

Could you please provide a timetable for signing off on the Consent Judgment and answering the Appendix Questions?
We're trying to get approval on Northport's settlement proposal, but need these two things to finalize our internal memos.
Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Monday, August 27, 2018 4:28 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: FW: Consent Judgment and Appendix B

Stuart,
I'm just following up on this email from last week.
In order to get final approvals on the proposed penalty amount, we're being asked to include a Northport-approved Consent Judgment, including the final Appendix B. When do you think you'll be able to sign off on the Consent Judgment and answer the questions on the Appendix?
We have the right people's attention, so are trying to get approvals as soon as possible.
Thanks,
John

From: Vagelatos, John (USANYE)
Sent: Wednesday, August 22, 2018 6:49 PM
To: Stuart P. Besen (sbesen@milbermakris.com) <sbesen@milbermakris.com>
Subject: Consent Judgment and Appendix B

Stuart,

I attach a revised draft of the Consent Judgment with some minor edits as tracked changes for your review. Please also note some of the comments about outstanding information requested from Northport.

Also, as per our discussion, I attach a draft Appendix B to the Consent Judgment reflecting some additional information for Northport to fill in.

Please review and let me know when you have the additional information, or if you have any questions.

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 11/29/2018 3:21:58 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Consent Judgment - Northport

thanks

From: Modigliani, Justine
Sent: Wednesday, November 28, 2018 3:36 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Consent Judgment - Northport

As discussed, I have nothing to add. Thanks!

From: Murphy, Kara
Sent: Tuesday, November 27, 2018 1:17 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Consent Judgment - Northport

Thanks Katherine.
Justine – anything else to add?
Thanks

From: Mann, Katherine
Sent: Tuesday, November 27, 2018 11:03 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Consent Judgment - Northport

Here's the attachment.

From: Mann, Katherine
Sent: Tuesday, November 27, 2018 10:53 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Consent Judgment - Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you!

Katherine

From: Murphy, Kara
Sent: Tuesday, November 27, 2018 7:16 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Consent Judgment - Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, November 21, 2018 5:13 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Consent Judgment - Northport

Kara,

Ex. 5 - Attorney-Client (AC)

Have a happy Thanksgiving and let's talk next week.

Best,

John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 5/24/2019 6:21:27 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport, "Sanitary Sewer Study for Steers Pit and Bluff Point Road Areas," dated July 28, 2017 and prepared by J.R. Holzmacher, P.E., LLC

Thanks! That's why Caroline Makepeace was on. Now it makes sense.

-----Original Message-----
From: Modigliani, Justine
Sent: Friday, May 24, 2019 1:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport, "Sanitary Sewer Study for Steers Pit and Bluff Point Road Areas," dated July 28, 2017 and prepared by J.R. Holzmacher, P.E., LLC

You may have figured this out but Karen is at ENRD and she appears to be the SEP guru.

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 1:08 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport, "Sanitary Sewer Study for Steers Pit and Bluff Point Road Areas," dated July 28, 2017 and prepared by J.R. Holzmacher, P.E., LLC

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a happy and safe Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

-----Original Message-----
From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 7:30 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:26 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>

Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! This is great news!

Yes, John has the most recent documents.

We can set up a meeting for next week to discuss this further. Let me check with the team and get back to you.

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Northport

Thank you for the warm welcome.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Northport

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Northport

Hello. You can call me at Ex. 6 - Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 5/24/2019 6:12:43 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: Re: Northport, "Sanitary Sewer Study for Steers Pit and Bluff Point Road Areas," dated July 28, 2017 and prepared by J.R. Holzmacher, P.E., LLC

Thanks Justine. Same goes.

> On May 24, 2019, at 1:45 PM, Modigliani, Justine <Modigliani.Justine@epa.gov> wrote:
>
> Hi Deborah,
>
> I just got off the phone with Kara to discuss your email. She is drafting a response to you right now, but I just wanted to personally welcome you to this case and tell you that I'm also excited to be working with you again.
>
> Have a fantastic long weekend and we will talk to you next week.
>
> Justine
>
> -----Original Message-----
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
> Sent: Friday, May 24, 2019 1:08 PM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: RE: Northport, "Sanitary Sewer Study for Steers Pit and Bluff Point Road Areas," dated July 28, 2017 and prepared by J.R. Holzmacher, P.E., LLC

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Have a happy and safe Memorial Day weekend.
>
> Deborah
>
>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
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> -----Original Message-----
> From: Murphy, Kara <Murphy.Kara@epa.gov>
> Sent: Friday, May 24, 2019 7:30 AM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
> Subject: RE: Northport
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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

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> -----Original Message-----
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> Sent: Friday, May 24, 2019 7:26 AM
> To: Murphy, Kara <Murphy.Kara@epa.gov>

> Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> Subject: Re: Northport
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Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi Deborah! This is great news!
>
> Yes, John has the most recent documents.
>
> We can set up a meeting for next week to discuss this further. Let me check with the team and get back to you.
>
> Thanks
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
> <image001.png>
>
> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Thursday, May 23, 2019 1:41 PM
> To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Northport
>
> Thank you for the warm welcome.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks.
>
> Deborah
>
> From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Sent: Thursday, May 23, 2019 1:35 PM
> To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
> Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
> Subject: RE: Northport
>
> A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.
>

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Thanks Doug
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>
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> From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
> Sent: Thursday, May 23, 2019 1:12 PM
> To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
> Subject: Northport

>
> Hello. You can call me Ex. 6 - Personal Privacy (PP)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

>
> Deborah B. Zwany
> Senior Litigation Counsel
> United States Attorney's Office
> Eastern District of New York
> 271 Cadman Plaza East
> Brooklyn, New York 11201
> (718) 254-6010
>
>

Message

From: Dworkin, Karen (ENRD) [Karen.Dworkin@usdoj.gov]
Sent: 6/25/2019 12:40:34 PM
To: Bahk, Benjamin [Bahk.Benjamin@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Bruce, Susan [Bruce.Susan@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport

Thanks everyone.

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Tuesday, June 25, 2019 8:25 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Makepeace, Caroline
Sent: Tuesday, June 25, 2019 8:06 AM
To: karen.dworkin@usdoj.gov
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 25, 2019, at 7:44 AM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Monday, June 24, 2019 8:32 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

CONFIDENTIAL: THIS TRANSMISSION MAY CONTAIN DELIBERATIVE, ATTORNEY-CLIENT COMMUNICATIONS, ATTORNEY-WORK PRODUCT, OR OTHERWISE PRIVILEGED MATERIAL. DO NOT RELEASE UNDER FOIA WITHOUT APPROPRIATE REVIEW. IF THIS MESSAGE HAS BEEN RECEIVED BY YOU IN ERROR, YOU ARE INSTRUCTED TO DELETE THIS MESSAGE FROM YOUR MACHINE AND ALL STORAGE MEDIA WHETHER ELECTRONIC OR HARD COPY.

From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, June 21, 2019 2:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, June 21, 2019 12:50 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Re: Northport

Ex. 5 AC/AWP/DP

Sent from my iPhone

On Jun 21, 2019, at 12:04 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 AC/AWP/DP

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/6/2019 1:10:12 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Thursday, June 06, 2019 9:07 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a good weekend.

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara

<Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Northport

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy,

Kara' <Murphy.Kara@epa.gov>
Subject: Northport

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Have a nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT
> > **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>, "Beckmann, Diane (USANYE)" <DBeckmann@usa.doj.gov>, "Silverman, Matthew (USANYE)" <MSilverman@usa.doj.gov>
> > **Cc:** "Makepeace, Caroline" <Makepeace.Caroline@epa.gov>
> > **Subject: Re: Bookhaven and Northport**
> >
> > Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM,
Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Appointment

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 2/6/2018 9:40:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: Accepted: Northport CD - SEP Proposal Discussion
Location: R2NY-Rm-2034-8p.DECA/R2-NY

Start: 2/13/2018 4:00:00 PM
End: 2/13/2018 5:00:00 PM

Recurrence: (none)

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 8/8/2019 9:41:54 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]
Subject: Re: Northport - Timetable/Process

What will they throw at this case next?

Sent from my iPhone

On Aug 8, 2019, at 2:53 PM, McKenna, Douglas <McKenna.Douglas@epa.gov> wrote:

Get a load of this

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, August 08, 2019 2:45 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - Timetable/Process

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, August 08, 2019 1:58 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Northport - Timetable/Process

All,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah

Appointment

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 4/11/2018 5:32:37 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]

Subject: New Time Proposed: Northport - SEP DISCUSSION
Location: Justine's Office

Start: 4/12/2018 7:00:00 PM
End: 4/12/2018 7:30:00 PM
Show Time As: Busy

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 1/11/2018 7:50:04 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: FW: Northport
Attachments: Northport - Consent Judgment (DRAFT 2017-12-21)(Tracked edits against 2017-09-28) (002)_EPA R2 Edits 2018-01-11.docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, January 11, 2018 12:58 PM
To: John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, January 11, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: RE: Northport

Hi Kara,
Happy New Year! I hope you, your family and everyone at EPA have a happy and healthy 2018 as well!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

advance the process.
Thanks,
John

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, January 11, 2018 10:53 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John –

Happy New Year! Wishing you and your family a great 2018!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, December 21, 2017 2:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Kara, Justice and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I will be in the office tomorrow, Friday, and reachable by email next week.
I will be back in the office on January 3rd.

Wishing you a happy and health holiday season and New Year.

Best,
John

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 2/22/2018 7:40:19 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: FW: Northport

FYI

From: Murphy, Kara
Sent: Thursday, February 22, 2018 2:29 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Thursday, February 22, 2018 1:38 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>
Subject: FW: Northport

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Thursday, February 15, 2018 3:11 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Thursday, February 15, 2018 10:03 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

FYI

From: Feinmark, Phyllis
Sent: Wednesday, February 14, 2018 9:21 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Tuesday, February 13, 2018 9:32 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 5/29/2019 1:15:27 AM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Green, Katherine [Green.Katherine@epa.gov]
Subject: Re: Northport draft response for Karen Dworkin and Caroline Makepeace

Ha :)

Sent from my iPhone

On May 28, 2019, at 2:53 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

> The most important change. I will remember it now! Thank you. I will get it out now.
>
> **From:** Modigliani, Justine <Modigliani.Justine@epa.gov>
> **Sent:** Tuesday, May 28, 2019 2:33 PM
> **To:** Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
> **Cc:** Murphy, Kara <Murphy.Kara@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
> **Subject:** Re: Northport draft response for Karen Dworkin and Caroline Makepeace
>
> Hi Deborah,
>
> Katherine and I looked it over and made a couple of changes (see bold) and changed Caroline's name in the subject from Catherine.
>
> We are getting back on the road now. Let us know if you have any more questions. Thanks!!
>
> Justine
>
> Sent from my iPhone
>
> On May 28, 2019, at 1:35 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 6/6/2017 4:22:11 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
Subject: FW: Northport - Consent Decree (DRAFT 2017-06-05)(reflecting EPA edits).docx
Attachments: Northport - Consent Decree (DRAFT 2017-06-05)(reflecting EPA edits).docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Monday, June 05, 2017 6:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport - Consent Decree (DRAFT 2017-06-05)(reflecting EPA edits).docx

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 6/7/2017 8:42:20 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]; 'Kraft, Nicole' [kraft.nicole@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Cavalier, Beth
Sent: Wednesday, June 07, 2017 3:16 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Justine, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks,

Beth

Beth Cavalier
National SEP Policy Coordinator
Crosscutting Policy Staff
Office of Civil Enforcement
202-564-3271
Cavalier.Beth@epa.gov

From: Modigliani, Justine
Sent: Tuesday, June 06, 2017 5:23 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Beth,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine

Justine Modigliani, P.E., Chief
Compliance Section
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US Environmental Protection Agency Region 2
290 Broadway (20th Floor)
New York, New York 10007
(212) 637-4268

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 5/31/2019 2:37:13 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Subject: RE: Northport

I'm free.

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 10:21 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Northport

Sure. I can call you in 5 minutes if that works.

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Friday, May 31, 2019 10:03 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Subject: RE: Northport

Hi Deborah,

So sorry that we got cut off when you called me earlier this week. I think we were on the same page before we got cut off, but do you have a few minutes today to close out that conversation properly?

Justine

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 31, 2019 9:45 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Wednesday, May 29, 2019 7:13 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On May 28, 2019, at 4:14 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:55 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:41 PM, Feinmark, Phyllis <Feinmark.Phyllis@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: McKenna, Douglas
Sent: Tuesday, May 28, 2019 3:37 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 28, 2019, at 3:24 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Tuesday, May 28, 2019 3:22 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>

Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: Re: Northport

Hi Deborah

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

M

On May 28, 2019, at 3:10 PM, Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov> wrote:

Karen and Caroline,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks again,

Deborah

From: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Sent: Friday, May 24, 2019 3:04 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Thanks Deborah!

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 3:02 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; makepeace.caroline@epa.gov
Cc: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 AC/DP

From: Zwany, Deborah (USANYE)
Sent: Friday, May 24, 2019 8:58 AM
To: Dworkin, Karen (ENRD) (Karen.Dworkin@usdoj.gov) <Karen.Dworkin@usdoj.gov>; 'makepeace.caroline@epa.gov' <makepeace.caroline@epa.gov>
Cc: Gallagher, Mark (ENRD) <Mark.Gallagher1@usdoj.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>; Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>; Feinmark, Phyllis (Feinmark.Phyllis@epa.gov) <Feinmark.Phyllis@epa.gov>; 'Murphy, Kara' <Murphy.Kara@epa.gov>
Subject: Northport

Hello all,

I will be taking this case over from John Vagelatos. John is transferring to our Criminal Division in a couple of weeks. Attached are the most

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

nice Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

On May 23, 2019, at 11:53 AM, Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov> wrote:

> Please see below for more context.
>
> Truly,
> Matthew Silverman
> Assistant U.S. Attorney, EDNY
>
> Begin forwarded message:
>
> > **From:** "Gallagher, Mark (ENRD)" <MGallagher@ENRD.USDOJ.GOV>
> > **Date:** May 23, 2019 at 11:46:39 AM EDT
> > **To:** "Dworkin, Karen (ENRD)" <KDworkin@ENRD.USDOJ.GOV>,

"Beckmann, Diane (USANYE)"
<DBeckmann@usa.doj.gov>,
"Silverman, Matthew (USANYE)"
<MSilverman@usa.doj.gov>
Cc: "Makepeace, Caroline"
<Makepeace.Caroline@epa.gov>
Subject: Re: Bookhaven and Northport

Diane and Matt

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 - Personal Privacy (PP)

-Mark

On May 23, 2019, at 10:40 AM,
Dworkin, Karen (ENRD)
<KDworkin@enrd.usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Mark.

Message

From: Modigliani, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=71F1B4D26FB3486E9F73D183871D2580-MODIGLIANI, JUSTINE]
Sent: 6/6/2017 7:11:10 PM
To: 'Kraft, Nicole' [kraft.nicole@epa.gov]
Subject: Ex. 5 AC/DP
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.PDF

From: Murphy, Kara
Sent: Tuesday, February 07, 2017 11:59 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Incorporated Village of Northport

FYI – Maybe we can meet either later this week or early next week to go over the recent submissions. Let me know what works best for you so you have time to review. Thanks!

From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Besen <sbesen@milbermakris.com>
Subject: Incorporated Village of Northport

Good Afternoon: Please find attached Mr. Besen's letter (which has been mailed also)regarding a proposed Supplemental Environmental Project for the Village of Northport.

Elizabeth Maiello
Legal Assistant
.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Appointment

From: Murphy, Kara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=91D1CBC4CB8146BDB4276C27428A3638-MURPHY, KARA]
Sent: 4/4/2018 5:16:49 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]

Subject: Northport SEP Proposal - Preliminary Questions
Location: Call

Start: 4/4/2018 6:00:00 PM
End: 4/4/2018 6:15:00 PM
Show Time As: Busy

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/15/2019 2:45:38 PM
To: Stuart Besen [sbesen@milbermakris.com]
CC: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Tuesday, Nov. 6, 2018 @ 10am

FYI – please see below. Thanks

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

The language for outfall #51 is fine.

Here is the Supplemental Environmental project language that you requested for the rain garden located on Valley Road, Northport, New York.

SEP Location
The Village of Northport has selected the rain garden to be placed at Valley Road at or near its intersection with Ocean Avenue, Northport, New York. The Village of Northport selected this location because it was the best location to collect storm water runoff before it reaches Main Street Northport and the Main Street pipe (#28) which has been a source of problems for the Village of Northport. Additionally, the location of the rain garden is centrally located and on a hill and will pick up storm water runoff from several streets including Hyland Avenue, Ocean Avenue, Markan Drive, Dogwood Avenue, School Street and Valley Road. The placement of this rain garden will give the Village of Northport the best opportunity to curtail pollutants entering Northport Harbor due to storm water runoff.

The balance of the comments on this SEP are good with us. I will get you the Resolution authorizing the rain garden.

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM

To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Thanks again Stuart and Tim for taking time to review the list below.

As we discussed, outfall #6 is off the list as it is not connected to the storm sewer. We've included outfall #28 back on the list. With regard to the unmapped outfall on Milland Drive, we all have agreed that it needs to go back on the list. Here is what we suggest in identifying the outfall for purposes of the CJ:

Outfall #51*

- Outfall #51 is identified as Northport's pipe that collects runoff from two catch basins on Milland Drive and flows into outfall pipe #52, which is a NYSDOT owned and maintained pipe. Northport is responsible for inspecting and sampling at outfall #51, downstream of the two catch basins and before the connection with NYSDOT's pipe.

Please let us know if you are ok with this language.

As discussed on the call, after we agree to this, we just need confirmation from Northport on the SEP Appendix minor edits that were made, and need the reason as to why the rain garden location was picked.

Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

Just wanted to send an email for our call on Tuesday, pending Tim's availability.

Katherine and I want to discuss the following outfalls and information relating to these outfalls:

1) Outfall 6 – Northport removed this outfall because as Stuart indicated during the call on 11/1/18, it is not part of Northport's MS4.
2) Outfall 28 – Northport removed this outfall from the list. EPA believes that it may be the 48 inch pipe that Northport rehabilitated, and Stuart confirmed this during the call on 11/1/18. Stuart also confirmed that it will be added back on to the list.
3) Milland Drive Outfalls - EPA wants confirmation if a pipe at an unmapped outfall located on Milland Drive is from Northport's MS4 that leads into DOT's MS4. The attached markup of Northport's outfall map shows outfall 54 (which is included on the list), as well as the location of the unmapped outfall.

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel

U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
Sent: 9/19/2019 10:38:34 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: Northport

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

On Sep 19, 2019, at 1:40 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, September 19, 2019 11:33 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Northport

Thanks.

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, September 19, 2019 11:30 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Northport

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Thursday, September 19, 2019 11:06 AM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Northport

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Thursday, September 19, 2019 11:01 AM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green,

Katherine <Green.Katherine@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Northport

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/29/2019 6:51:21 PM
To: Zwany, Deborah (USANYE) [Deborah.Zwany@usdoj.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport - question on stips

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, July 29, 2019 2:34 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - question on stips

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC) Thanks.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Monday, July 29, 2019 2:32 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - question on stips

Great, thanks Deborah. I'm back. Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, July 29, 2019 2:11 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Northport - question on stips

Thanks. Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, July 29, 2019 2:02 PM

To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: RE: Northport - question on stips

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Monday, July 29, 2019 1:39 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Northport - question on stips

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 11/13/2018 7:32:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

Will do.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Tuesday, November 13, 2018 2:00 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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From: Stuart Besen <sbesen@milbermakris.com>
Sent: Friday, November 09, 2018 4:20 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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The balance of the comments on this SEP are good with us. I will get you the Resolution authorizing the rain garden.

Any questions or comments please feel free to contact me.

Thanks,

Stuart P. Besen
Partner
.....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Monday, November 05, 2018 2:16 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Tuesday, Nov. 6, 2018 @ 10am

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Outfall #51*

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Thank you!

From: Murphy, Kara
Sent: Thursday, November 01, 2018 5:44 PM
To: Stuart Besen <sbesen@milbermakris.com>; Tim Brojer <tim.brojer@northportny.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: Tuesday, Nov. 6, 2018 @ 10am

Hi Stuart and Tim –

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Katherine and I want to discuss the following outfalls and information relating to these outfalls:

1) Outfall 6 – Northport removed this outfall because as Stuart indicated during the call on 11/1/18, it is not part of Northport's MS4.

2) Outfall 28 – Northport removed this outfall from the list. EPA believes that it may be the 48 inch pipe that Northport rehabilitated, and Stuart confirmed this during the call on 11/1/18. Stuart also confirmed that it will be added back on to the list.
3) Milland Drive Outfalls - EPA wants confirmation if a pipe at an unmapped outfall located on Milland Drive is from Northport's MS4 that leads into DOT's MS4. The attached markup of Northport's outfall map shows outfall 54 (which is included on the list), as well as the location of the unmapped outfall.

Hopefully we can discuss and finalize on Tuesday. If Tuesday doesn't work, please give us another date and time.

Thanks so much!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Stuart Besen [sbesen@milbermakris.com]
Sent: 11/1/2018 6:35:40 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: Re: Northport - SEP & Outfalls

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

> On Nov 1, 2018, at 2:24 PM, Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov> wrote:
>
> We'll call you then. Which number should we reach you at?
>
> Sent from my iPhone
>
> On Nov 1, 2018, at 1:43 PM, Stuart Besen <sbesen@milbermakris.com<mailto:sbesen@milbermakris.com>> wrote:
>
> Yes good with 4:15
>
> Sent from my iPhone
>
> On Nov 1, 2018, at 12:12 PM, Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov<mailto:John.Vagelatos@usdoj.gov>> wrote:
>
> Stuart,
>
> EPA has reviewed Northport's submissions.
> I attach the SEP Appendix B with their comments and edits. Please review and we can discuss. Please focus on the comments.
> EPA needs the answers as soon as possible.
>
> For the outfall locations:
>
> Why did Northport remove Outfall 6?
>
> Is Outfall 28 the 48 inch pipe that Northport rehabilitated? Why did Northport remove this outfall?
>
> It appears that Northport did not include the outfall into DOT's MS4 at Milland drive. This must be on the list.
>
> Hopefully you're free at 4:15 today and we can discuss then.
>
> Best,
> John
>
> <3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX>

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 11/1/2018 4:12:34 PM
To: Stuart P. Besen [sbesen@milbermakris.com]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; Silverman, Matthew (USANYE) [Matthew.Silverman@usdoj.gov]
Subject: Fwd: Northport - SEP & Outfalls
Attachments: 3L82821-Appendix B SEP EPA_R2 Comments Edits 11 01 2018.DOCX; ATT00001.htm

Stuart,

EPA has reviewed Northport's submissions.
I attach the SEP Appendix B with their comments and edits. Please review and we can discuss. Please focus on the comments.
EPA needs the answers as soon as possible.

For the outfall locations:

Why did Northport remove Outfall 6?

Is Outfall 28 the 48 inch pipe that Northport rehabilitated? Why did Northport remove this outfall?

It appears that Northport did not include the outfall into DOT's MS4 at Milland drive. This must be on the list.

Hopefully you're free at 4:15 today and we can discuss then.

Best,
John

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 6:46:58 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport

There's a chance I can talk tomorrow after 4pm. I'm still waiting on a response from the state about another meeting. If it doesn't happen tomorrow, I can be on a call with Stuart around 4:00ish. Hopefully, I'll know by the end of the day. Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 12:29 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Village of Northport

FYI. I'll probably have to address these points.

From: Silverman, Matthew (USANYE)
Sent: Wednesday, October 31, 2018 12:22 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: RE: Village of Northport

John,

Ex. 5 AC/AWP/DP

From: Vagelatos, John (USANYE)
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: FW: Village of Northport

Kara,
Please see attached Ex. 5 AC/DP

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM

To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Subject: Village of Northport

Attached is the SEP wording to be attached to the Consent Decree if it meets with your approval.

Stuart P. Besen
Partner

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 3:53:12 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport

Hi John – n

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:43 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: FW: Village of Northport

Kara,
Please see attached

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:35 AM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Subject: Village of Northport

Attached is the SEP wording to be attached to the Consent Decree if it meets with your approval.

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/31/2018 3:44:22 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport

Hi John – I'm available tomorrow. Thanks. Anytime from 9am-12:45pm. Otherwise, I'm available on Friday from 9am-3pm. The attachments didn't go through. Please send again. Thanks

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, October 31, 2018 11:30 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Village of Northport

Kara,
Please see attached. I told Stuart I can't do a call today, but I could talk tomorrow.
What is your availability tomorrow if you would like to participate?
Thanks,
John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Wednesday, October 31, 2018 11:13 AM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Subject: Village of Northport

Please see attached maps showing the 17 outfall pipes that the Village of Northport is responsible for. I have also attached a chart identifying the outfall pipes. I am sending you under a separate E mail the SEP language. Are you available for a call today?

Thanks,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 10/23/2018 2:22:56 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Ex. 5 AC/DP

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Monday, October 22, 2018 7:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: RE: Northport

Kara,

Ex. 5 AC/DP

John

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Monday, October 22, 2018 7:01 PM
To: Vagelatos, John (USANYE) <jVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <MSilverman@usa.doj.gov>
Subject: RE: Northport

I am requesting extending the production of Appendix A and B to October 31, 2018.

Thank you,

Stuart P. Besen
Partner

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1125
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, October 18, 2018 7:24 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
Subject: Northport

SETTLEMENT COMMUNICATION

Stuart,

Apologies for our not speaking directly, but I was ill and I think our schedules were missing each other.

In response to Northport's prior inquiries, the United States will consider:
(1) the sewer expansion substantially completed as long as at least a majority of the 27 residential and commercial properties connect to the sewer expansion (in other words, as long as there as at least 13 connections are completed); and
(2) the rain garden SEP substantially completed as long as construction of 1 or more rain gardens is completed within the time frame for a cost of at least $20,000.
I attach a revised draft Consent Judgment with tracked changes reflecting these points.
The attached Consent Judgment also tracks the outstanding appendices required from Northport. Specifically, Northport needs to produce:

Appendix A – A map and schedule/table of the location of the 17 active outfalls owned by Northport, and
Appendix B – The SEP descriptions.

On April 30, we requested that Northport produce Appendix A, the updated list, by May 14, 2018.
On August 22, we requested that Northport complete the draft Appendix B, reflecting additional requested information, as soon as possible.

Stuart, EPA urgently needs the appendices in order to obtain formal approval of Northport's penalty proposal Ex. 7(A) and of the overall settlement.
Please produce the appendices by Tuesday, October 23, 2018. If you or Northport require technical assistance to complete Appendix B, please let us know immediately and the EPA can participate in a conference call before Tuesday to answer any questions.

Also, please let us know by next Thursday, October 25, 2018, if the proposed revised language in the Consent Judgment is acceptable, or, please propose alternative language you are requesting.

We would like to obtain all necessary approvals and file the proposed Consent Judgment before the end of the year, but will need to wrap up these items and obtain approvals. We appreciate your assistance.

Thank you,
John

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 9/26/2018 10:26:04 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Are you free now? If so, what number should I reach you at?

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, September 26, 2018 6:25 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

I'm working tomorrow and am available most of the day except 1:10-1:50pm and I leave around 3:50pm. Please let me know if you have time to talk tomorrow

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Wednesday, September 26, 2018 11:28 AM
To: John.Vagelatos@usdoj.gov
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Hi John – Thanks for the update. I just left you a message. Let me know when you are available. Thanks!

Message

From: Mann, Katherine [Mann.Katherine@epa.gov]
Sent: 8/13/2018 2:38:49 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Automatic reply: Northport - Ex. 5 Attorney Client (AC)

I will be in the field Monday 8/13 through Thursday 8/16 with limited access to email. I will respond to your message as soon as possible.

-Katherine

Message

From: Fischer, Lauren [Fischer.Lauren@epa.gov]
Sent: 8/9/2018 6:37:21 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
CC: Cohen, Mitchell [cohen.mitchell@epa.gov]
Subject: RE: RE:

Ex. 5 AC/AWP/DP

From: Feinmark, Phyllis
Sent: Thursday, August 09, 2018 2:28 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Fischer, Lauren <Fischer.Lauren@epa.gov>; Cohen, Mitchell <cohen.mitchell@epa.gov>
Subject: Re: RE:

What's up?

Sent from my iPhone

On Aug 9, 2018, at 12:03 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> See the attached. Hope this helps. Thanks
>
> **From:** Fischer, Lauren
> **Sent:** Thursday, August 09, 2018 11:42 AM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Subject:**
>
> **Ex. 5 AC/AWP/DP**
>
> Lauren Fischer
> Assistant Regional Counsel
> U.S. Environmental Protection Agency Region 2
> 290 Broadway, 16th Floor
> New York, New York 10007-1866
> Tel: (212) 637-3231
> Fax: (212) 637-3202
>
> <Northport Status August 9 2018.docx>

Message

From: Fischer, Lauren [Fischer.Lauren@epa.gov]
Sent: 8/9/2018 4:50:17 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport Status August 9 2018.docx
Attachments: Northport Status August 9 2018.docx

Ex. 5 Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Cohen, Mitchell [cohen.mitchell@epa.gov]
Sent: 8/9/2018 3:30:43 PM
To: Fischer, Lauren [Fischer.Lauren@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 Attorney Client (AC)
Attachments:

Ex. 5 - Attorney-Client (AC)

Mitch

From: Garelick, Jason
Sent: Thursday, August 9, 2018 10:41 AM
To: Khoury, Lynn <Khoury.Lynn@epa.gov>
Ex. 5 - Attorney-Client (AC)

Lynn,

Ex. 5 - Attorney-Client (AC)

From: Fischer, Lauren
Sent: Thursday, August 09, 2018 11:01 AM
To: Cohen, Mitchell <cohen.mitchell@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Gonzalez, EduardoJ <Gonzalez.EduardoJ@epa.gov>; Hayden, Melva <Hayden.Melva@epa.gov>; Kramer, Kim <Kramer.Kim@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Stamataky, Evans <Stamataky.Evans@epa.gov>
Cc: Khoury, Lynn <Khoury.Lynn@epa.gov>

Ex. 5 - Attorney-Client (AC)

Ex. 5 - Attorney-Client (AC)

Thanks!

Lauren Fischer
Assistant Regional Counsel
U.S. Environmental Protection Agency Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
Tel: (212) 637-3231
Fax: (212) 637-3202

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/27/2018 3:58:11 PM
To: Young, Sarah [young.sarah@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Village of Northport
Attachments: 2015 Updated SEP Policy (3) (002).pdf; Ex. 5 AC/DP

Ex. 5 AC/DP

Sarah –

Ex. 5 - DP/AC

Thanks again!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/25/2018 7:14:54 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments: Ex. 5 AC/DP

FYI

From: Mann, Katherine
Sent: Monday, June 25, 2018 1:05 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Hi Kara,

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thanks!

Katherine Mann
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
(212) 637-4226

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 6/18/2018 6:08:32 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport Write-up

Thanks Kara – Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Monday, June 18, 2018 1:38 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport Write-up

Hi John – Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC) Thanks

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/18/2018 5:13:53 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: Northport - Ex. 5 AC/DP

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

On Jun 15, 2018, at 6:11 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

From: Modigliani, Justine
Sent: Friday, June 15, 2018 3:33 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>
Subject: FW: Northport Ex. 5 AC/DP

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

From: Murphy, Kara
Sent: Friday, June 15, 2018 3:11 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport Ex. 5 AC/DP

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/15/2018 6:43:47 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport - Appendix B SEPs
Attachments: Northport Appendix B_June 2018.docx

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/8/2018 5:06:20 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
Subject: RE: Northport CJ

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

From: Modigliani, Justine
Sent: Friday, June 08, 2018 12:53 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport CJ

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Sent from my iPhone

On Jun 8, 2018, at 12:50 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC) Have a great weekend you two.

From: Modigliani, Justine
Sent: Friday, June 08, 2018 12:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Fwd: Northport CJ

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Justine

Begin forwarded message:

From: "Murphy, Kara" <Murphy.Kara@epa.gov>
Date: June 8, 2018 at 12:10:12 PM EDT
To: "John.Vagelatos@usdoj.gov" <John.Vagelatos@usdoj.gov>
Cc: "Modigliani, Justine" <Modigliani.Justine@epa.gov>, "Mann, Katherine" <Mann.Katherine@epa.gov>, "Murphy, Kara" <Murphy.Kara@epa.gov>
Subject: RE: Northport CJ

Hi John - **Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)** Thanks

-----Original Message-----
From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, May 31, 2018 3:54 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>

Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: Re: Northport CJ

Thanks
I am traveling back to NY from SC tomorrow.
I will try to call you, connections permitting.

Sent from my iPhone

On May 31, 2018, at 2:33 PM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi John -

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

<Northport - Consent Judgment (DRAFT 2018-05-29)(Including SEP and penalty amounts)_R2 Edits.docx>

Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/27/2018 7:55:54 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thank you

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, April 27, 2018 3:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Murphy, Kara
Sent: Friday, April 27, 2018 3:51 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Hi John –

For your information:

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney Client (AC)

Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/27/2018 7:54:37 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: SEP EMAIL (4/27/18 conference call)

FYI – for records

From: Murphy, Kara
Sent: Friday, April 27, 2018 3:54 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: SEP EMAIL (4/27/18 conference call)

Ex. 5 Attorney Client (AC)

From: Murphy, Kara
Sent: Friday, April 27, 2018 3:51 PM
To: John.Vagelatos@usdoj.gov
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: SEP EMAIL (4/27/18 conference call)

Hi John –

Ex. 5 Deliberative Process (DP) & Attorney Client (AC)

Ex. 5 Deliberative Process (DP) & Attorney Client (AC)

Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/25/2018 5:30:37 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Makepeace, Caroline
Sent: Wednesday, April 25, 2018 1:25 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 25, 2018, at 1:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Caroline –

Ex. 5 Deliberative Process (DP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 4/25/2018 5:25:01 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: SEP Policy Question - SEP COMPLETION REPORT

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 25, 2018, at 1:23 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

Hi Caroline –

Ex. 5 Deliberative Process (DP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/25/2018 5:23:27 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 Deliberative Process (DP)

Hi Caroline –

Ex. 5 Deliberative Process (DP)

Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 4/4/2018 5:22:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sure

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 1:16 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:18 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Makepeace, Caroline
Sent: Wednesday, April 04, 2018 11:13 AM

To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, April 04, 2018 10:01 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Village of Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

I hope you are well and getting better weather than we are in NYC.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let me know if you have some time today to discuss. If not, please let me know what your availability is next week.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/2/2018 10:31:13 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]; Mann, Katherine [Mann.Katherine@epa.gov]
CC: John.Vagelatos@usdoj.gov; Levy, Sandra (USANYE) [Sandra.Levy@usdoj.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Me too.

From: Modigliani, Justine
Sent: Monday, April 02, 2018 5:14 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Re: Northport

3 pm is fine for me as well.

On Apr 2, 2018, at 4:49 PM, Mann, Katherine <Mann.Katherine@epa.gov> wrote:

> Hi John,
> 3 PM tomorrow works for me.
> Katherine
>
> ---
>
> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Monday, April 2, 2018 4:36 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
> **Cc:** Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** RE: Northport
>
> Good afternoon all,
> I am available and would like to have the call with Stuart.
> Does that time work for you?
>
> ---
>
> **From:** Stuart Besen <sbesen@milbermakris.com>
> **Sent:** Monday, April 2, 2018 4:10 PM
> **To:** Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
> **Cc:** Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
> **Subject:** RE: Northport
>
> Are you available tomorrow at 3:00 pm?
>
> *Stuart P. Besen*
> *Of Counsel*
> .....

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 3:01 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

I am available to speak this Monday or Tuesday, April 2nd or 3rd, at your convenience.
I am away the following Monday and Tuesday, the 9th and 10th.
Please let me know what works for you Stuart. I am happy to answer any questions you may have.

From: Stuart Besen <sbesen@milbermakris.com>
Sent: Thursday, March 29, 2018 2:54 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: RE: Northport

We have a Board meeting on Tuesday and would like more time to review the document and show the Board in Executive Session. This coming Tuesday is our General Meeting and we have a new Mayor and Deputy Mayor. Can we speak Monday or Tuesday. I would like to present to the Board April 17, 2018, at our next Board meeting.

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Good morning Stuart,
Do you think you will be able to give us any comments you may have on the language of the draft Consent Judgment by close of business Monday?
We would appreciate a redline, but I am also available Monday or Tuesday for a call in addition if you would like.
Thank you,
John

From: Vagelatos, John (USANYE)
Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Northport

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FED. R. EVID. 408

Stuart,
I attach for discussion a draft Consent Judgment resolving the United States' claims against Northport.
<< File: Northport - Consent Judgment (DRAFT 2018-03-23)(For sharing with Northport).docx >>
This draft is subject to further internal government review and approval.
In addition, you should know that the State of New York will likely need to be added as a party to this settlement, and would be added as a plaintiff. In that event, the State will have to review and approve as well.
Finally, you will note that the penalty and SEP provisions are still to be determined [TBD].
EPA is reviewing Northport's most recent SEP proposal.
Once that review is complete, we will be in a position to advise you of the penalty and SEP credit amounts.

For now, please review and we can discuss the structure of the settlement and the Consent Judgment language.

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/29/2018 4:38:08 PM
To: John.Vagelatos@usdoj.gov
Subject: RE: Northport

You're welcome. I hope so too! Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 11:50 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Thanks Kara – this is a very helpful update.
Hopefully we'll hear from Stuart on all of these open points soon.

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Thursday, March 29, 2018 11:43 AM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 29, 2018 10:34 AM
To: sbesen@milbermakris.com
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Good morning Stuart,
Do you think you will be able to give us any comments you may have on the language of the draft Consent Judgment by close of business Monday?
We would appreciate a redline, but I am also available Monday or Tuesday for a call in addition if you would like.
Thank you,
John

From: Vagelatos, John (USANYE)

Sent: Friday, March 23, 2018 6:21 PM
To: 'sbesen@milbermakris.com' <sbesen@milbermakris.com>
Cc: Murphy, Kara (Murphy.Kara@epa.gov) <Murphy.Kara@epa.gov>; Mann, Katherine (Mann.Katherine@epa.gov) <Mann.Katherine@epa.gov>; Modigliani, Justine (Modigliani.Justine@epa.gov) <Modigliani.Justine@epa.gov>; Levy, Sandra (USANYE) <SLevy@usa.doj.gov>
Subject: Northport

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SUBJECT TO FED. R. EVID. 408

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Finally, you will note that the penalty and SEP provisions are still to be determined [TBD].
EPA is reviewing Northport's most recent SEP proposal.
Once that review is complete, we will be in a position to advise you of the penalty and SEP credit amounts.

For now, please review and we can discuss the structure of the settlement and the Consent Judgment language.

Thank you and best regards,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/29/2018 3:49:07 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: SEP breakdown of costs

FYI

From: Murphy, Kara
Sent: Thursday, March 29, 2018 11:48 AM
To: Stuart Besen <sbesen@milbermakris.com>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov>; Tim Brojer <t.brojer@northportny.gov>; Tim Brojer <tim.brojer@northportny.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP breakdown of costs

Thanks Stuart. EPA needs to know what portion of the proposed breakout costs Northport is paying directly and what portion is going to be paid by grant money. Also, do you have a compliance date as to when this will be complete?

Also, if you could also answer Katherine's questions in regard to the rain garden SEP. I apologize for the immediate attention to these questions, but in order to figure out credit, etc., and get management approval from our management and the Washington office, we need these answers sooner so we can get back to you and eventually discuss penalty.

Thanks so much!
Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Tuesday, March 27, 2018 6:33 PM
To: Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Tim Brojer <t.brojer@northportny.gov>; Tim Brojer <tim.brojer@northportny.gov>
Subject: SEP breakdown of costs

Please see attached.

Stuart P. Besen
Of Counsel

.....

MMP&S

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/23/2018 10:21:28 PM
To: John.Vagelatos@usdoj.gov
Subject: RE: Northport

Great, thanks. You too!

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 23, 2018 5:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

You can call us at Sandra's number:
Tel: 718-254-6014
Have a great weekend!

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 23, 2018 4:11 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Which number should we call you at? Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 23, 2018 1:13 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: RE: Northport

Thanks Kara. We are free Tuesday afternoon. Please go ahead and pick any time in the afternoon that works best for you and Doug.

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 23, 2018 12:58 PM
To: Vagelatos, John (USANYE) <JVagelatos@usa.doj.gov>
Cc: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Hi John –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, March 22, 2018 4:39 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Hi Kara,
I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thank you,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 3/23/2018 10:59:58 AM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: RE: Northport

Ok, thanks Phyllis. Doug can't talk until Tuesday. I'll keep you posted.

From: Feinmark, Phyllis
Sent: Thursday, March 22, 2018 11:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport

I flex on Friday, but am generally available on Monday.

Sent from my iPhone

On Mar 22, 2018, at 5:51 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> FYI – Let me know when you are available for a call with John and Sandra. Tomorrow? Monday? Thanks
>
> ---
>
> **From:** Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
> **Sent:** Thursday, March 22, 2018 4:39 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Cc:** Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
> **Subject:** Northport
>
> Hi Kara,
> I left you a voicemail, but wanted to send you an email in case we don't manage to speak today. Two items:
>
> **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
>
> Thank you,
> John
>
> John Vagelatos
> Assistant United States Attorney
>
> United States Attorney's Office
> Eastern District of New York
> 271-A Cadman Plaza East
> Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 8/23/2017 6:51:12 PM
To: Fischer, Lauren [Fischer.Lauren@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Northport
Attachments: Northport - Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 12/28/2017 4:10:51 PM
To: Mann, Katherine [Mann.Katherine@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Great! Sent out the scheduler.

From: Mann, Katherine
Sent: Thursday, December 28, 2017 9:04 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Justine Modigliani <modigliani.justine@gmail.com>
Subject: RE: Northport

Hi Kara and Justine,

I am free the 3rd and the 4th. Do you want to shoot for the 3rd?

Katherine

From: Murphy, Kara
Sent: Friday, December 22, 2017 4:17 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Let's talk as I want to get back to Stuart (and John) in the next couple of weeks.

Happy holidays!

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/7/2019 9:00:32 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport Ex. 5 AC/DP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Sent: Wednesday, February 06, 2019 6:11 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - Ex. 5 AC/DP

Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Please let me know what you think.

Best,
John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Stuart Besen [sbesen@milbermakris.com]
Sent: 3/2/2018 8:55:34 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
CC: Tim Brojer [tim.brojer@northportny.gov]
Subject: FW: Northport SEP Proposal

Ok Thanks.

Stuart P. Besen
Of Counsel
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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---

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 02, 2018 1:08 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Here is the conference line. Thanks

Conference number: Ex. 6 - Personal Privacy (PP)
5-digit conference extension: Ex. 6 - Personal Privacy (PP)
6-digit participant access code: Ex. 6 - Personal Privacy (PP)

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Thursday, March 01, 2018 4:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Yes. 10:30 would be fine. Please provide a number where we can reach Katherine and Justine. Northport number is Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) believe Tim's extension is 311 or dial 0. I would prefer if we could dial them.

Stuart P. Besen
Of Counsel
.....
MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797

516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Thursday, March 01, 2018 2:58 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

So is 10:30am ok for Tuesday, March 6th? I'll let Katherine and Justine know. You will let Tim and Damon know. I just need a phone number where they can be reached at and I'll give to my client. Thanks!

From: Murphy, Kara
Sent: Monday, February 26, 2018 2:12 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport SEP Proposal

Ok that works great. The afternoon was the tough time. So should we say 10:30 start call? I'll have Katherine send out an invite to Tim with a conference line. Should she also include Damon? Thanks

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Monday, February 26, 2018 1:44 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Re: Northport SEP Proposal

Tim gets back on Monday. I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
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<image001.png>

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, after Tim returns from his vacation, the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/7/2017 5:02:48 PM
To: Elizabeth Maiello [emaiello@milbermakris.com]; John.Vagelatos@usdoj.gov
CC: Stuart Besen [sbesen@milbermakris.com]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Incorporated Village of Northport

Thank you for the information.

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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From: Elizabeth Maiello [mailto:emaiello@milbermakris.com]
Sent: Monday, February 06, 2017 3:19 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Stuart Besen <sbesen@milbermakris.com>
Subject: Incorporated Village of Northport

Good Afternoon: Please find attached Mr. Besen's letter (which has been mailed also)regarding a proposed Supplemental Environmental Project for the Village of Northport.

Elizabeth Maiello
Legal Assistant

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1114
516.712.4013 fax
emaiello@milbermakris.com

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 7/28/2017 12:53:16 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport
Attachments: Northport - Consent Judgment (DRAFT 2017-07-27)(SL edits accepted, reordered, shared w EPA).docx; Northport - Consent Judgment (DRAFT 2017-07-17)(SL edits as tracked changes)(For EPA sharing and discussion).docx

FYI

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Thursday, July 27, 2017 6:30 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Levy, Sandra (USANYE) <Sandra.Levy@usdoj.gov>
Subject: Northport

Kara, Justine and Katherine,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,

John

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489

John.Vagelatos@usdoj.gov

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/17/2019 3:13:42 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Fwd: Northport

Katherine and I are in the middle of hosting a training workshop for New York City Inspectors and I just peaked at my phone and saw this.

Sent from my iPhone

Begin forwarded message:

> **From:** "Bahk, Benjamin" <Bahk.Benjamin@epa.gov>
> **Date:** June 17, 2019 at 8:16:20 AM EDT
> **To:** "Modigliani, Justine" <Modigliani.Justine@epa.gov>
> **Cc:** "Bruce, Susan" <Bruce.Susan@epa.gov>, "Fergusson, Bruce" <Fergusson.Bruce@epa.gov>
> **Subject: Northport**
>
> Hello Justine,
>
> **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thank you.
>
> ***Village of Northport, Long Island*** **(R2 – CWA, MS4 violations)**
>
> - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**
> -

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/6/2018 9:34:26 PM
To: John.Vagelatos@usdoj.gov
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Tuesday, February 06, 2018 4:23 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

John Vagelatos
Assistant United States Attorney

United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

Telephone: 718-254-6182
Facsimile: 718-254-7489
Email: John.Vagelatos@USDOJ.gov

Message

From: Stuart Besen [sbesen@milbermakris.com]
Sent: 2/26/2018 6:44:08 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Re: Northport SEP Proposal

Tim gets back on Monday. I was hoping Tuesday

Sent from my iPhone

On Feb 26, 2018, at 1:43 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:

> Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
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>
> <image001.png>
>
> **From:** Stuart Besen [mailto:sbesen@milbermakris.com]
> **Sent:** Friday, February 16, 2018 3:00 PM
> **To:** Murphy, Kara <Murphy.Kara@epa.gov>
> **Cc:** John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
> **Subject:** RE: Northport SEP Proposal
>
> Ok I will thanks.
>
> *Stuart P. Besen*
> *Of Counsel*
> .....
> **MMP&S**
> Milber Makris Plousadis & Seiden, LLP
> 1000 Woodbury Road, Suite 402
> Woodbury, New York 11797
> 516.712.4000 ext. 1176
> 516.712.4013 fax
> sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

I just left you a lengthy voicemail message. I spoke to John, and he and I agree that a call with just the technical folks is needed at this time. Therefore, after Tim returns from his vacation, the group can have a call. The week of March 5th works for Justine and Katherine, with the exception of Wed, March 7th and Tuesday, March 6th from 2pm-4pm. If you could reach out to your technical folks as well as the contractor as to which date and time work best.

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/26/2018 6:43:17 PM
To: Stuart Besen [sbesen@milbermakris.com]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport SEP Proposal

Hi Stuart – I just wanted to check in to see if you had a chance to talk to your client and secure a date for the technical meeting? Don't mean to add extra pressure, but my clients are getting other meeting requests and want to give first priority to Northport. Do you have an idea as to when you'll have an answer? Thanks!

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
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(212) 637-3211 (Phone)
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From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Friday, February 16, 2018 3:00 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport SEP Proposal

Ok I will thanks.

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, February 16, 2018 11:52 AM
To: Stuart Besen <sbesen@milbermakris.com>

Cc: John.Vagelatos@usdoj.gov; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport SEP Proposal

Hi Stuart –

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Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 5/24/2019 5:54:02 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport, " Ex. 5 AC/DP
Ex. 5 AC/DP
Attachments:
Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 1:08 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>

Ex. 5 AC/DP

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Have a happy and safe Memorial Day weekend.

Deborah

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

-----Original Message-----
From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Friday, May 24, 2019 7:30 AM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

-----Original Message-----
From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Friday, May 24, 2019 7:26 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

On May 24, 2019, at 7:23 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:

Hi Deborah! Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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<image001.png>

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:41 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks.

Deborah

From: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Sent: Thursday, May 23, 2019 1:35 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov<mailto:DZwany@usa.doj.gov>>
Cc: Modigliani, Justine <Modigliani.Justine@epa.gov<mailto:Modigliani.Justine@epa.gov>>; Green, Katherine <Green.Katherine@epa.gov<mailto:Green.Katherine@epa.gov>>; Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>>
Subject: RE: Northport

A very warm welcome to the case. Kara is the ORC Attorney, Katherine is the technical lead working for Justine who you know.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Doug

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov<mailto:Deborah.Zwany@usdoj.gov>>
Sent: Thursday, May 23, 2019 1:12 PM
To: McKenna, Douglas <McKenna.Douglas@epa.gov<mailto:McKenna.Douglas@epa.gov>>
Subject: Northport

Hello. You can call me at Ex. 6 Personal Privacy (PP) Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) ns

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
(718) 254-6010

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 1/17/2018 9:23:15 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) and you're more than welcome!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Murphy, Kara
Sent: Wednesday, January 17, 2018 3:48 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Will keep you posted on things.

Thanks again!

From: Makepeace, Caroline
Sent: Wednesday, January 17, 2018 2:59 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency

202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 17, 2018 2:38 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP CD Language Help

Caroline!

Thank you for doing this. Really appreciate your help. I know it was last minute and you are busy. Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

From: Makepeace, Caroline
Sent: Wednesday, January 17, 2018 12:01 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP CD Language Help

Hey Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace

Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Friday, January 12, 2018 12:51 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEP CD Language Help

Great, thank you!

From: Makepeace, Caroline
Sent: Friday, January 12, 2018 10:40 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)

(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 2/22/2018 6:55:45 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport

FYI – you have a minute to discuss? thanks

From: Modigliani, Justine
Sent: Thursday, February 22, 2018 1:38 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Mann, Katherine <Mann.Katherine@epa.gov>
Subject: FW: Northport

Hi Kara,

Ex. 5 AC/DP

From: Modigliani, Justine
Sent: Thursday, February 15, 2018 3:11 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Subject: RE: Northport

Ex. 5 AC/DP

From: Murphy, Kara
Sent: Thursday, February 15, 2018 10:03 AM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport

FYI

From: Feinmark, Phyllis
Sent: Wednesday, February 14, 2018 9:21 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks for the update!

From: Murphy, Kara
Sent: Tuesday, February 13, 2018 9:32 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 1/12/2018 3:39:39 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
Attachments: 2015 Updated SEP Policy (3).pdf

Hi Kara –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:52 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/27/2019 4:03:19 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Khoury, Lynn [Khoury.Lynn@epa.gov]; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks

---

From: Murphy, Kara
Sent: Thursday, June 27, 2019 12:01 PM
To: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 4:04 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara <Murphy.Kara@epa.gov>
Sent: Wednesday, June 26, 2019 3:52 PM
To: Zwany, Deborah (USANYE) <DZwany@usa.doj.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Green, Katherine <Green.Katherine@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks Deborah.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Be in touch soon.

Thanks

From: Zwany, Deborah (USANYE) <Deborah.Zwany@usdoj.gov>
Sent: Wednesday, June 26, 2019 1:26 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Deborah B. Zwany
Senior Litigation Counsel
United States Attorney's Office
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
718-254-6010

Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/26/2019 7:46:21 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport

From: Bahk, Benjamin
Sent: Tuesday, June 25, 2019 8:25 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; karen.dworkin@usdoj.gov
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Makepeace, Caroline
Sent: Tuesday, June 25, 2019 8:06 AM
To: karen.dworkin@usdoj.gov
Cc: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 25, 2019, at 7:44 AM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Monday, June 24, 2019 8:32 AM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Bruce, Susan <Bruce.Susan@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

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From: Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov>
Sent: Friday, June 21, 2019 2:46 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: RE: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Sent: Friday, June 21, 2019 12:50 PM
To: Dworkin, Karen (ENRD) <KDworkin@ENRD.USDOJ.GOV>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: Re: Northport

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Sent from my iPhone

On Jun 21, 2019, at 12:04 PM, Dworkin, Karen (ENRD) <Karen.Dworkin@usdoj.gov> wrote:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/10/2018 6:51:52 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: SEP CD Language Help
Attachments: 38D1585-Ltr dated 2 2 17 to Vagelatos.pdf

Great! Thank you, Caroline!

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: SEP CD Language Help

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: SEP CD Language Help

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/26/2019 6:49:59 PM
To: Simon, Paul [Simon.Paul@epa.gov]
CC: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: RE: Northport - SEP

Ok thank you. Enjoy Edison.

From: Simon, Paul
Sent: Wednesday, June 26, 2019 2:24 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Subject: RE: Northport - SEP

Kara – I'm with Eric in Edison now. We'll get back to you tomorrow.

From: Murphy, Kara
Sent: Monday, June 24, 2019 9:52 AM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - SEP

Hi Eric and Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 1/10/2018 6:38:26 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thx!

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Makepeace, Caroline
Sent: Wednesday, January 10, 2018 1:37 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Caroline Makepeace
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Murphy, Kara
Sent: Wednesday, January 10, 2018 1:18 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/10/2018 6:18:00 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Caroline –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 6/24/2019 6:09:43 PM
To: McKenna, Douglas [McKenna.Douglas@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Northport - SEP

Ex. 5 AC/DP

Thanks

From: Murphy, Kara
Sent: Monday, June 24, 2019 9:52 AM
To: Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Northport - SEP

Hi Eric and Paul –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/9/2018 6:40:42 PM
To: Cavalier, Beth [Cavalier.Beth@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject:
Attachments: **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Hi Beth –

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 1/3/2018 8:48:19 PM
To: Stuart Besen [sbesen@milbermakris.com]
CC: Murphy, Kara [Murphy.Kara@epa.gov]; John.Vagelatos@usdoj.gov
Subject: RE: Northport - SEP follow-up

Great, thanks!

From: Stuart Besen [mailto:sbesen@milbermakris.com]
Sent: Wednesday, January 03, 2018 3:45 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport - SEP follow-up

Happy New Year. I am in the process of drafting you a letter based on the information that I obtained from the Village on this project. You should have it by the end of this week, beginning of next week.

Thanks,

Stuart P. Besen
Of Counsel

MMP&S
Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797
516.712.4000 ext. 1176
516.712.4013 fax
sbesen@milbermakris.com

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From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Wednesday, January 03, 2018 1:38 PM
To: Stuart Besen <sbesen@milbermakris.com>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; John.Vagelatos@usdoj.gov
Subject: Northport - SEP follow-up

Hi Stuart –

Happy New Year to you and your family.

I'm following up with my client on the new proposed SEP you mentioned during our last call and I wanted to make sure I had all the facts before we respond to you. The proposed SEP would connect 100-150 homes to the main sanitary sewer line. Do you have a copy of the grant that you could forward to us? Who is providing the grant money to Northport? Roughly how much money would be required to finish the project that is not covered by the grant? Is this a project that Northport sought out, or the grantor saw an opportunity? When will this project set to begin? Has any portion of the project begun?

Thanks, Kara

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Modigliani, Justine [Modigliani.Justine@epa.gov]
Sent: 6/9/2017 6:21:26 PM
To: John.Vagelatos@usdoj.gov; Murphy, Kara [Murphy.Kara@epa.gov]
Subject: FW: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Cavalier, Beth
Sent: Wednesday, June 07, 2017 3:16 PM
To: Modigliani, Justine <Modigliani.Justine@epa.gov>
Cc: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Justine, Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I hope this helps! If you'd like to discuss, just let me know. Thanks,

Beth

Beth Cavalier
National SEP Policy Coordinator
Crosscutting Policy Staff
Office of Civil Enforcement
202-564-3271
Cavalier.Beth@epa.gov

From: Modigliani, Justine
Sent: Tuesday, June 06, 2017 5:23 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Hi Beth,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Thanks!

Justine

Justine Modigliani, P.E., Chief
Compliance Section
Water Compliance Branch
Division of Enforcement and Compliance Assistance
US Environmental Protection Agency Region 2
290 Broadway (20th Floor)
New York, New York 10007
(212) 637-4268

Message

From: Mann, Katherine [Mann.Katherine@epa.gov]
Sent: 6/8/2017 8:51:17 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]; Modigliani, Justine [Modigliani.Justine@epa.gov]; John.Vagelatos@usdoj.gov
Subject: Updates to Northport CD
Attachments: Northport - Consent Decree_DRAFT_08JUNE2017_kmann.docx

Hi Kara, Justine and John:

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

I will again miss our call tomorrow (sorry!) but please let me know if you have questions.

Thanks,
Katherine

Katherine E. Mann
Water Compliance Branch
United States Environmental Protection Agency – Region 2
290 Broadway, 20th Floor
New York, NY 10007
P: (212) 637-4226
F: (212) 637-3953

Message

From: Murphy, Kara [Murphy.Kara@epa.gov]
Sent: 4/4/2017 6:51:39 PM
To: Modigliani, Justine [Modigliani.Justine@epa.gov]
CC: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Northport CD
Attachments: Northport - Consent Decree (DRAFT 2017-03-10)_KEM Edits.docx

Just started again. I have a ways to go….

From: Modigliani, Justine
Sent: Tuesday, April 04, 2017 1:16 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CD

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Modigliani, Justine
Sent: Tuesday, April 04, 2017 10:06 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: FW: Northport CD

I'm so sorry ☹

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Murphy, Kara
Sent: Friday, March 31, 2017 1:34 PM
To: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
Cc: Murphy, Kara <Murphy.Kara@epa.gov>; Mann, Katherine <Mann.Katherine@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: Northport CD

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Justine & Katherine – **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

From: Vagelatos, John (USANYE) [mailto:John.Vagelatos@usdoj.gov]
Sent: Friday, March 31, 2017 10:51 AM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Northport CD

Kara,
I've been away for a week on leave. Just back this morning.

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Best,

John

From: Murphy, Kara [mailto:Murphy.Kara@epa.gov]
Sent: Friday, March 31, 2017 10:17 AM
To: Vagelatos, John (USANYE)
Cc: Murphy, Kara
Subject: Northport CD

Hi John - **Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)**

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Kara E. Murphy
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3211 (Phone)
(212) 637-3202 (Fax)

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Message

From: Vagelatos, John (USANYE) [John.Vagelatos@usdoj.gov]
Sent: 4/19/2019 1:05:11 AM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

Ex. 6 Personal Privacy (PP)

I'll call you when I'm back.

Best,
John

Sent from my iPhone

> On Apr 18, 2019, at 3:22 PM, Murphy, Kara <Murphy.Kara@epa.gov> wrote:
>
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Talk to you when you return. Enjoy!
>
>
>
> -----Original Message-----
> From: Vagelatos, John (USANYE) <John.Vagelatos@usdoj.gov>
> Sent: Thursday, April 18, 2019 10:16 AM
> To: Murphy, Kara <Murphy.Kara@epa.gov>
> Cc: Silverman, Matthew (USANYE) <Matthew.Silverman@usdoj.gov>
> Subject: Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
>
> Kara,

Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)

> Best,
> John
>
>
> Sent from my iPhone
>
> On Apr 18, 2019, at 10:12 AM, Murphy, Kara <Murphy.Kara@epa.gov<mailto:Murphy.Kara@epa.gov>> wrote:
>
> Hi John – Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC)
> Ex. 5 - Deliberative Process (DP) & Attorney-Client (AC) Thanks!
>
> Kara E. Murphy
> Assistant Regional Counsel
> U.S. EPA, Region 2
> 290 Broadway, 16th Floor
> New York, NY 10007
> (212) 637-3211 (Phone)
> (212) 637-3202 (Fax)
>
> Note: This transmission may contain confidential communications, attorney work product, enforcement sensitive, attorney-client and/or other privileged materials. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy re-transmit, disseminate, or otherwise use the information.
>
> <image001.png>
>

Message

From: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]
Sent: 6/28/2019 6:17:28 PM
To: Murphy, Kara [Murphy.Kara@epa.gov]
Subject: RE: Good Job!

Oh great! Have an amazing trip! And thanks ☺

From: Murphy, Kara
Sent: Friday, June 28, 2019 2:16 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Good Job!

Thanks! Ex. 6 - Personal Privacy (PP)
Ex. 6 - Personal Privacy (PP) ☺ Enjoy the 4th too!

From: Buterbaugh, Kristin
Sent: Friday, June 28, 2019 2:05 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Good Job!

You too! Enjoy the 4th!

From: Murphy, Kara
Sent: Friday, June 28, 2019 2:03 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Good Job!

Oh wow! Well it sounds like a great opportunity, so smart move to extend it. Hoping for positive updates too. Have a great weekend!

From: Buterbaugh, Kristin
Sent: Friday, June 28, 2019 1:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: RE: Good Job!

Oh yes, I would imagine that muni case would keep you pretty busy right now!

The detail is going well! It's been really interesting to see more than just water cases and issues. And I sit in on a lot of meetings like the OCE Weekly yesterday so I'm learning a lot.

But I miss you and the rest of the case team too! I'm actually extending the detail to a full year through March 2020, but I'm hoping to hear nothing but positive updates until I'm back! ☺

Kristin Buterbaugh
Special Assistant
OECA - Office of Civil Enforcement
U.S. Environmental Protection Agency

WJC South 3119C
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4479
Buterbaugh.Kristin@epa.gov

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From: Murphy, Kara
Sent: Friday, June 28, 2019 12:53 PM
To: Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
Subject: RE: Good Job!

Kristin! Thank you! It's so nice to hear from you and thanks so much for the support. It was my first OECA call on a case and was not sure how it would go. In any case, between this case and another case (municipality SEP case – Village of Northport), it's been a little hectic. ☺

How is the new detail?! I hope you're enjoying it, learning a lot, and appreciated and supported. We miss you.

From: Buterbaugh, Kristin
Sent: Thursday, June 27, 2019 1:48 PM
To: Murphy, Kara <Murphy.Kara@epa.gov>
Subject: Good Job!

Hi Kara,

I'm in the room for the OCE Weekly meetings, and I just wanted to say good job today! I get updates from Kathy every so often and I now review all briefing papers that are sent up the chain so I saw this one too. Hopefully the case will settle soon.

I hope things are well with you!

Kristin Buterbaugh
Special Assistant
OECA - Office of Civil Enforcement
U.S. Environmental Protection Agency
WJC South 3119C
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4479
Buterbaugh.Kristin@epa.gov

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Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 8/16/2017 1:54:34 PM
To: LaPosta, Dore [LaPosta.Dore@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]
CC: Chiang, Johnny [Chiang.Johnny@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]
Subject: Re: Brookhaven Status

Ex. 5 AC/DP

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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On Aug 16, 2017, at 9:44 AM, Buettner, Robert <Buettner.Robert@epa.gov> wrote:

> FYI sent again.
>
> Robert
>
> Robert Buettner
> Chief, Air Compliance Branch
>
> US EPA Region 2 DECA/ACB
> 290 Broadway, 21st Floor
> New York NY 10007
>
> buettner.robert@epa.gov
> (212) 637 5031
>
> ***CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message.***
>
> Begin forwarded message:

From: "Buettner, Robert" <Buettner.Robert@epa.gov>
Date: August 15, 2017 at 5:48:15 PM EDT
To: "LaPosta, Dore" <LaPosta.Dore@epa.gov>
Cc: "Anderson, Kate" <Anderson.Kate@epa.gov>
Subject: Brookhaven Status

Ex. 5 AC/DP

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 8/16/2017 1:50:16 PM
To: Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Patel, Harish [Patel.Harish@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: Re: Brookhaven Status

Ex. 5 AC/DP

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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On Aug 16, 2017, at 9:46 AM, Villatora, Liliana <Villatora.Liliana@epa.gov> wrote:

Ex. 5 AC/DP

From: Buettner, Robert
Sent: Wednesday, August 16, 2017 9:41 AM
To: Patel, Harish <Patel.Harish@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Fwd: Brookhaven Status

FYI

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Buettner, Robert" <Buettner.Robert@epa.gov>
Date: August 15, 2017 at 5:48:15 PM EDT
To: "LaPosta, Dore" <LaPosta.Dore@epa.gov>
Cc: "Anderson, Kate" <Anderson.Kate@epa.gov>
Subject: Brookhaven Status

Ex. 5 AC/DP

Message

From: Ritz, Phillip [Ritz.Phillip@epa.gov]
Sent: 9/12/2019 6:00:44 PM
To: Patel, Harish [Patel.Harish@epa.gov]
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

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From: Patel, Harish <Patel.Harish@epa.gov>
Sent: Thursday, September 12, 2019 2:00 PM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 AC/DP
Importance: High

Ex. 5 AC/DP

From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Thursday, September 12, 2019 12:57 PM
To: Patel, Harish <Patel.Harish@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: Ex. 5 AC/DP
Importance: High

Ex. 5 AC/DP

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Thursday, September 12, 2019 12:41 PM

To: Cardile, Joseph <Cardile.Joseph@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Cc: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: Ex. 5 AC/DP

Ex. 5 AC/DP

From: Makepeace, Caroline
Sent: Thursday, September 12, 2019 12:39 PM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Rae, Sarah <Rae.Sarah@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>
Subject: Ex. 5 AC/DP

Hi Ladies,

Ex. 5 AC/DP

Thanks!!!

Caroline Makepeace
Senior Counsel
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 4/25/2017 3:33:01 PM
To: Rutherford, Nancy [Rutherford.Nancy@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: Updates to this table due to me by Noon on Wed., April 26
Attachments: Region 2 - Non-Superfund - (4-24-17).docx

Importance: High

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Chiang, Johnny
Sent: Tuesday, April 25, 2017 9:33 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; Gorman, John <Gorman.John@epa.gov>; Kraft, Nicole <Kraft.Nicole@epa.gov>; Mcgarry, Barbara <McGarry.Barbara@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>
Cc: Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: FW: Updates to this table due to me by Noon on Wed., April 26
Importance: High

Hi BCs,

Ex. 5 AC/DP

Ex. 5 AC/DP

Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Division of Enforcement and Compliance Assistance
290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

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review. If you have received this message in error, you are asked to notify the sender and to delete this message.

From: Simon, Paul
Sent: Monday, April 24, 2017 1:53 PM
To: Chiang, Johnny <Chiang.Johnny@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>
Cc: Anderson, Kate <Anderson.Kate@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>
Subject: Updates to this table due to me by Noon on Wed., April 26
Importance: High

Ex. 5 AC/DP

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 7/23/2019 1:20:38 PM
To: Rutherford, Nancy [Rutherford.Nancy@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: Revised Docket Notes for 7.23.19 Docket Meeting
Attachments:

Ex. 5 AC/DP

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Chiang, Johnny
Sent: Monday, July 22, 2019 4:17 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Geliga, Jaime <Geliga.Jaime@epa.gov>; Gonzalez, Eduardo <Gonzalez.Eduardo@epa.gov>; Gorman, John <Gorman.John@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>; Khoury, Lynn <Khoury.Lynn@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Malone, Kathleen <Malone.Kathleen@epa.gov>; Mcgarry, Barbara <McGarry.Barbara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Rodriguez, Teresita <Rodriguez.Teresita@epa.gov>; Rutherford, Nancy <Rutherford.Nancy@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schulz, Susan <Schulz.Susan@epa.gov>; Torres, Ramon <Torres.Ramon@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Sullivan, James <Sullivan.James@epa.gov>
Cc: LaPosta, Dore <LaPosta.Dore@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Guerrero, Carmen <guerrero.carmen@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Subject: RE: Revised Docket Notes for 7.23.19 Docket Meeting

Ex. 5 AC/AWP

From: Chiang, Johnny
Sent: Monday, July 22, 2019 1:56 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Geliga, Jaime <Geliga.Jaime@epa.gov>; Gonzalez, Eduardo <Gonzalez.Eduardo@epa.gov>; Gorman, John <Gorman.John@epa.gov>; Jordan-garcia, Carolina <Jordan-Garcia.Carolina@epa.gov>; Khoury, Lynn <Khoury.Lynn@epa.gov>; LaVigna, Gaetano

<LaVigna.Gaetano@epa.gov>; Malone, Kathleen <Malone.Kathleen@epa.gov>; Mcgarry, Barbara <McGarry.Barbara@epa.gov>; McKenna, Douglas <McKenna.Douglas@epa.gov>; Mills, Flaire <Mills.Flaire@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Rodriguez, Teresita <Rodriguez.Teresita@epa.gov>; Rutherford, Nancy <Rutherford.Nancy@epa.gov>; Sawyer, William <Sawyer.William@epa.gov>; Schulz, Susan <Schulz.Susan@epa.gov>; Torres, Ramon <Torres.Ramon@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Voo, Leonard <Voo.Leonard@epa.gov>; Sullivan, James <Sullivan.James@epa.gov>
Cc: LaPosta, Dore <LaPosta.Dore@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Guerrero, Carmen <guerrero.carmen@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Subject: Updated Docket Notes for 7.23.19 Docket Meeting

Hi everyone,

Attached are all the updated notes and agenda. I updated the dates and/ or file names for these notes to reflect the latest versions.

The Docket meeting is tomorrow starting at 10 am (EST). Thanks to everyone for their help on the updates.

Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Division of Enforcement and Compliance Assistance
290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

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Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Enforcement & Compliance Assurance Division
290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

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Message

From: Hoang, Anhthu [Hoang.Anhthu@epa.gov]
Sent: 6/13/2019 3:00:14 PM
To: Marmanides, Katherine [Marmanides.Katherine@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Rutherford, Nancy [Rutherford.Nancy@epa.gov]
Subject: RE: ACB/ORC Enforcement Meeting

Please see below for the notes from this morning's conference call. Thanks.

-----Original Appointment-----
From: Marmanides, Katherine
Sent: Tuesday, April 16, 2019 10:26 AM
To: Marmanides, Katherine; Buettner, Robert; LaVigna, Gaetano; Patel, Harish; Villatora, Liliana; Rutherford, Nancy
Cc: Hoang, Anhthu
Subject: FW: ACB/ORC Enforcement Meeting
When: Thursday, June 13, 2019 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference call: 866-299-3188, conference code: 212 637 4077; R2NY-Rm-2134A-15p.DECA/R2-NY
Importance: High

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Message

From: Hoang, Anhthu [Hoang.Anhthu@epa.gov]
Sent: 5/30/2019 6:35:06 PM
To: Marmanides, Katherine [Marmanides.Katherine@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Rutherford, Nancy [Rutherford.Nancy@epa.gov]
Subject: RE: ACB/ORC Enforcement Meeting

Hi all. The notes to this morning's meeting are below.

Thanks.

-----Original Appointment-----
From: Marmanides, Katherine
Sent: Tuesday, April 16, 2019 10:26 AM
To: Marmanides, Katherine; Buettner, Robert; LaVigna, Gaetano; Patel, Harish; Villatora, Liliana; Rutherford, Nancy
Cc: Hoang, Anhthu
Subject: FW: ACB/ORC Enforcement Meeting
When: Thursday, May 30, 2019 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference call: 866-299-3188, conference code: 212 637 4077; R2NY-Rm-2134A-15p.DECA/R2-NY

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Message

From: Hoang, Anhthu [Hoang.Anhthu@epa.gov]
Sent: 5/16/2019 5:27:11 PM
To: Marmanides, Katherine [Marmanides.Katherine@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Patel, Harish [Patel.Harish@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Froikin, Sara [Froikin.Sara@epa.gov]; Rutherford, Nancy [Rutherford.Nancy@epa.gov]
Subject: RE: ACB/ORC Enforcement Meeting

Hi Everyone. Please see the below for today's notes. Thanks.

-----Original Appointment-----
From: Marmanides, Katherine
Sent: Tuesday, April 16, 2019 10:26 AM
To: Marmanides, Katherine; Buettner, Robert; LaVigna, Gaetano; Patel, Harish; Villatora, Liliana; Froikin, Sara; Rutherford, Nancy
Cc: Hoang, Anhthu
Subject: FW: ACB/ORC Enforcement Meeting
When: Thursday, May 16, 2019 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference call: 866-299-3188, conference code: 212 637 4077; R2NY-Rm-2134A-15p.DECA/R2-NY

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Liliana

-----Original Appointment-----
From: Marmanides, Katherine
Sent: Thursday, August 23, 2018 5:31 PM
To: Marmanides, Katherine; Buettner, Robert; LaVigna, Gaetano; Patel, Harish; Villatora, Liliana; Froikin, Sara; Rutherford, Nancy
Subject: ACB/ORC Enforcement Meeting
When: Occurs every Thursday effective 8/23/2018 from 10:00 AM to 11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference call Ex. 6 Personal Privacy (PP) R2NY-Rm-2134A-15p.DECA/R2-NY
Importance: High

Message

From: Patel, Harish [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C4A92E1453934F228AB2721FBF1D6A1B-PATEL, HARISH]
Sent: 8/16/2017 1:44:14 PM
To: Chiang, Johnny [Chiang.Johnny@epa.gov]
Subject: FW: Brookhaven Status

Ex. 5 DP/AWP

From: Buettner, Robert
Sent: Wednesday, August 16, 2017 9:41 AM
To: Patel, Harish <Patel.Harish@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: Fwd: Brookhaven Status

FYI

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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Begin forwarded message:

From: "Buettner, Robert" <Buettner.Robert@epa.gov>
Date: August 15, 2017 at 5:48:15 PM EDT
To: "LaPosta, Dore" <LaPosta.Dore@epa.gov>
Cc: "Anderson, Kate" <Anderson.Kate@epa.gov>
Subject: Brookhaven Status

Ex. 5 AC/DP/AWP

Ex. 5 AC/DP/AWP

Appointment

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 2/1/2018 11:09:54 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]

Subject: Accepted: Brookhaven SEP
Location: Conf Rm 2134A

Start: 2/6/2018 9:00:00 PM
End: 2/6/2018 9:30:00 PM
Show Time As: Busy

Appointment

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 2/6/2018 8:31:34 PM
To: Cardile, Joseph [Cardile.Joseph@epa.gov]

Subject: Accepted: Brookhaven SEP Discussion
Location: Conf Rm 2134A

Start: 2/6/2018 9:00:00 PM
End: 2/6/2018 9:30:00 PM
Show Time As: Busy

Appointment

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 5/31/2017 5:24:10 PM
To: Simpson, James [Simpson.James@epa.gov]

Subject: Accepted: Brookhaven - Finalize Draft CD and SEP
Location: R2NY-Rm-2134A-15p.DECA/R2-NY

Start: 5/31/2017 7:00:00 PM
End: 5/31/2017 8:00:00 PM
Show Time As: Busy

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/8/2018 3:20:55 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: FW: Brookhaven-- quick question

Ex. 5 DP/AC/AWP

-----Original Message-----
From: Beckmann, Diane (USANYE) [mailto:Diane.Beckmann@usdoj.gov]
Sent: Tuesday, July 31, 2018 9:21 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: Re: Brookhaven-- quick question

Hi Damaris-

Ex. 5 DP/AC/AWP

On Jul 31, 2018, at 8:49 AM, Urdaz, Damaris <Urdaz.Damaris@epa.gov<mailto:Urdaz.Damaris@epa.gov>> wrote:

Ex. 5 DP/AC/AWP

Message

From: Ritz, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6CAD11FF7A5444AFA9631F5AE81FBA91-RITZ, PHILLIP]
Sent: 2/14/2019 6:42:54 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Subject: FW: PRIVILEGED AND CONFIDENTIAL
Attachments: Ex. 7(A)

Ex. 5 AC/AWP

From: Urdaz, Damaris
Sent: Wednesday, November 14, 2018 10:49 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: FW: PRIVILEGED AND CONFIDENTIAL

Ex. 5 AC/AWP

Thank you.

From: Robbins, Virginia <robbinv@bsk.com>
Sent: Wednesday, November 14, 2018 10:46 AM
To: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Ex. 7(A) Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <tysonr@BSK.com>; Ex. 7(A)
Subject: PRIVILEGED AND CONFIDENTIAL

Dear Diane and Damaris,

Ex. 7(A)

If you could provide me with a couple of dates and times for a call, I will check schedules with the Town.
Thank you, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

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US Draft —dated 10/01/18 edited on 11/14/18 by Town of Brookhaven/Bond, Schoeneck & King
SUBJECT TO FURTHER REVIEW BY THE TOWN OF BROOKHAVEN
Subject to Further Government Review and Approval
For Settlement Purposes Only – Subject to Fed. R. Evid. 408

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------x
UNITED STATES OF AMERICA,

Plaintiff,

Civil Action-
No. _____

against –

Town of Brookhaven

Defendant.
----------x

CONSENT JUDGMENT

Total Production Set 6.30.21 ED_004082B_00047399-00001

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Recitations

A. Plaintiff United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), has filed a ~~complaint~~ Complaint in this action, pursuant to Section 113(b) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7413(b), alleging, *inter alia*, that Defendant, Town of Brookhaven (the "Town") violated its CAA Title V operating permit ("Title V permit"), the Act, and the landfill regulations promulgated under the Act, codified at 40 C.F.R. Part 60, Subpart WWW ("Landfill NSPS") and at 40 C.F.R. Part 63, Subpart AAAA ("Landfill MACT"), at the Brookhaven Landfill (the "Landfill"), including the Brookhaven Landfill Gas Recovery Facility, located at 350 Horseblock Road, Yaphank, New York.

B. The Town has a population of approximately 450,000 residents. The Town owns and operates the Landfill for the benefit of the Town's residents and the surrounding Long Island region. The Landfill consists of six cells, the first of which was constructed in 1974. The Town currently uses Cell 6 where it accepts construction and demolition debris and ash residue as ~~product~~ a byproduct of resource recovery for disposal. The Town is permitted to accept up to 2,700 tons a day of waste at the Landfill. The Town holds a solid waste management facility permit and a Title V ~~air quality~~ permit for the Landfill, both issued by the New York State Department of Environmental Conservation ("NYSDEC")~~.~~.

C. In 2008, during NYSDEC's renewal process for the Town's Title V permit, EPA objected to one condition in the draft permit relating to operation of the Sulfa Treat hydrogen sulfide control system used to treat landfill gas. EPA required Sulfa Treat to be operated continuously and issued a Compliance Order to the Town in 2009. The Town ~~immediately~~

timely complied with the Order. Between 2008 and 2011, EPA issued four Requests for Information under Section 114 of the ~~Clean Air~~ Act and the Town cooperated by providing detailed responsive information. In 2011, EPA issued a Finding of Violation to the Town alleging violations of the ~~Clean Air~~ Act and its implementing regulations. The Town has worked cooperatively with EPA since 2011 in an effort to address the alleged violations.

~~B~~D. The United States alleges in the Complaint that the Town violated the Landfill NSPS and the Landfill MACT.

~~C~~E. The United States also alleges that the Town violated its Title V permit.

~~D~~F. The Town does not admit any liability to the United States arising out of the transactions or occurrences alleged in the Complaint.

~~E~~G. The Parties seek to avoid further litigation and work cooperatively on issues related to conditions at the Landfill, including addressing elevated temperatures in interior wellheads. The injunctive relief set forth in this Consent Judgment is intended to, *inter alia*, ensure operation of the Landfill in accordance with applicable law.

~~F~~H. The Parties recognize, and the Court by entering this Consent Judgment finds, that this Consent Judgment has been negotiated by the Parties in good faith and will avoid litigation between the Parties and that this Consent Judgment is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law, except as provided in Section I, and with the consent of the Parties,

IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE[tc \l1 "I. JURISDICTION AND VENUE]

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 113(b) of the Act, 42 U.S.C. § 7413(b), and over the Parties. Venue lies in this District pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b) and (c), and 1395(a), because the Landfill is located in this judicial district, and the violations alleged in the Complaint are alleged to have occurred in this judicial district. For purposes of this Consent Judgment, or any action to enforce this Consent Judgment, ~~The~~ the Town consents to the Court's jurisdiction over this Consent Judgment and any such action and over ~~The~~ the Town and consents to venue in this judicial district.

2. For purposes of this Consent Judgment, the Town agrees that the Complaint states claims upon which relief may be granted pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). Notice of commencement of this action has been given to the State of New York, specifically, the New York State Department of Environmental Conservation, as required by Section 113(b) of the Act, 42 U.S.C. ~~§7413(b).~~ § 7413(b). The Parties desire to fully and finally resolve all past and present claims that were, or could now or hereafter be, asserted by the United States with respect to the matters covered herein without the necessity of litigation, and without admission, adjudication or determination of any issue of fact or law. The matters covered herein arise out of or in connection with the violations alleged in the Complaint.

II. APPLICABILITY[tc \l1 "II. APPLICABILITY]

3. The provisions of this Consent Judgment apply to and are binding upon the United States, and upon the Town and any successors, assigns, or other entities or persons otherwise bound by law.

4. No transfer of ownership or operation of the Landfill, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve the Town of its obligations to ensure that the terms of this Consent Judgment are implemented. At least 30 Days prior to such transfer, the Town shall provide a copy of this Consent Judgment to the proposed transferee and shall simultaneously provide written notice of the prospective transfer, together with a copy of the proposed or final written transfer agreement, to the United States and EPA.

5. Any attempt to transfer ownership or operation of the Landfill without complying with Paragraph 4 constitutes a violation of this Consent Judgment.

6. The Town shall provide a copy of this Consent Judgment to all officials, employees, and agents whose duties might reasonably include compliance with any provision of this Consent Judgment, as well as to any contractor retained to perform work required under this Consent Judgment. The Town shall condition any such contract upon performance of the work in conformity with the terms of this Consent Judgment.

7. In any action to enforce this Consent Judgment, the Town shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Judgment.

III. DEFINITIONS[tc \l1 "III. DEFINITIONS]

8. Terms used in this Consent Judgment that are defined in the Act or in regulations promulgated pursuant to the Act shall have the meanings assigned to them in the Act or the regulations found at 40 C.F.R. § 60.751 unless otherwise provided in this Consent Judgment. Whenever the terms set forth below are used in this Consent Judgment, the following definitions shall apply:

a. "Complaint" shall mean the complaint filed by the United States in this action;

b. "Consent Judgment" shall mean this Consent Judgment and all appendices attached hereto (listed in Section XVIII);

c. "Day" shall mean a calendar day unless expressly stated to be a business day. In computing any period of time under this Consent Judgment, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day;

d. "The Town" shall mean the Town of Brookhaven, New York;

e. "EPA" shall mean the United States Environmental Protection Agency and any of its successor departments or agencies;

f. "Effective Date" shall have the definition provided in Section ~~XVI~~XV;

g. "Landfill" shall mean the landfill owned and operated by the Town, located at 350 Horseblock Road, Yaphank, New York, including the Brookhaven Landfill Gas Recovery ~~Landfill~~Facility;

h. "Interest" shall mean the interest rate specified in 28 U.S.C. § 1961;

i. "Paragraph" shall mean a portion of this Consent Judgment identified by an Arabic numeral;

j. "Parties" shall mean the United States and the Town;

k. "Section" shall mean a portion of this Consent Judgment identified by a roman numeral;

l. "Supplemental Environmental Project" or "SEP" shall mean the environmentally beneficial project required by Section VI of this Consent Judgment;

m. "United States" shall mean the United States of America, acting on behalf of the Environmental Protection Agency.

IV. CIVIL PENALTY[tc \l1 "IV. CIVIL PENALTY]

9. Within 60 Days after the Effective Date, the Town shall pay $249,166 as a civil penalty.

10. The Town shall pay the civil penalty due by FedWire Electronic Funds Transfer ("EFT") to the United States Department of Justice in accordance with written instructions to be provided by the United States Attorney's Office to the Town, following entry of the Consent Judgment. At the time of payment, the Town shall send a copy of the EFT

authorization form and the EFT transaction record, together with a transmittal letter to the United States in accordance with Section ~~XV~~ XIV of this Consent Judgment (Notices); by email to cinwd_acctsreceivable@epa.gov; or by mail to:

EPA Cincinnati Finance Office
26 West Martin Luther King Drive
Cincinnati, Ohio 45268
Attention: Finance, Mail Code: NWD

The letter shall state that the payment is for the civil penalty owed pursuant to the Consent Judgment in United States v. Town of Brookhaven, and shall reference the civil action number, the USAO number and DOJ case number 90-5-2-1-09884/1.

11. The Town shall not deduct any penalties paid under this Consent Judgment pursuant to this Section or Section VIII (Stipulated Penalties) in calculating its federal income tax.

V. COMPLIANCE REQUIREMENTS[tc \l1 "V. COMPLIANCE REQUIREMENTS]

12. General Duty Requirements. The Town shall comply with 40 C.F.R. §§ 60.11(d) and 63.6(e), and maintain and operate the Landfill and all associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

13. Landfill NSPS, Landfill MACT, and Title V Permit. ~~The~~ Except as provided herein, as of the Effective Date, the Town shall comply with all provisions of the Landfill NSPS, the Landfill MACT, and the Town's Title V permit.

14. GCCS Design Plan. The Town shall ~~redesign, rebuild and~~ continue to operate ~~a GCCS~~ and expand a Gas Collection and Treatment System ("GCCS") for the entire Landfill as follows:

a. As of the Effective Date, the Town shall operate the GCCS in accordance with the existing GCCS design plan, which plan the Town has proposed to modify to identify the active landfill gas collectors ("LGCs") and the inactive LGCs, as shown on the existing conditions site plans for Cells 1 – 6 that were submitted by the Town to EPA for approval on November __, 2018. As of the Effective Date, the monitoring, recordkeeping and reporting provisions of the Landfill NSPS and the Landfill MACT shall not apply to the inactive LGCs shown on the existing conditions site plans. If EPA approves the inactive status of one or more of the LGCs shown on the existing conditions site plans, the approved inactive LGCs will no longer be subject to the Landfill NSPS and the Landfill MACT. If EPA does not approve the inactive status of one or more LGCs shown on the existing conditions site plans, the Town will be required to bring those LGCs into compliance with the Landfill NSPS and the Landfill MACT within 30 Days of the date of EPA's disapproval of the inactive status of those LGCs.

b. ~~a.~~The Town shall submit an updated GCCS design plan to EPA within seven months after the Effective Date. The design plan must meet the requirements of 40 C.F.R. §§ 60.752(b)(2) and 60.759.

c. ~~b.~~The Town shall modify, as necessary, and continue to operate the GCCS as provided in the updated GCCS design plan within 120 ~~days~~ Days after EPA approval of the updated GCCS design plan.

d. ~~c.~~The Town shall submit ~~as-built drawings~~ updated existing conditions site plans of the GCCS within 45 ~~days~~ Days after modifying the GCCS or if no modifications have been made, submit ~~as-built drawings~~ updated existing conditions site plans of the GCCS within 45 ~~days~~ Days of EPA's approval of the updated GCCS design plan.

15. SO_2 Control Operation. The Town shall continuously operate the Landfill's Sulfa Treat system ~~such that~~. Upon the commencement of normal operations of the new flare referenced in Paragraph 16, the SO_2 emission rate shall not exceed 235.0 tons per year to be calculated on a 12-month rolling ~~daily~~ basis, and 53.7 pounds per hour on a 30-day rolling average basis~~-~~, and an hourly emission rate of 195.8 pounds per hour.

16. New Flare. ~~The Town shall submit a permit application on or before the Lodging Date of the CD for the~~ Within 30 days after the Effective Date, the Town shall begin the public procurement process for the design and installation of a new flare that comports with the specifications identified in the Air Quality Impact Analysis Report dated January 2015. The Town shall complete the major equipment procurement process by awarding a bid within 120 days after the Effective Date. The Town shall complete the field installation procurement process by awarding a bid within 180 Days after the Effective Date.

17. ~~The Town shall~~ The Town shall commence construction of the field installation of the new flare within 60 days ~~of receiving the approved permit~~after awarding the bid for the field installation.

18. The Town shall complete the installation of the new flare within ~~XX days of receiving the approved permit~~300 days after awarding the major equipment bid.

19. The Town shall submit a performance test protocol for the new flare ~~within 60 days of receiving the approved permit for EPA~~ to EPA for review and approval within 150 days after awarding the major equipment bid.

20. The Town shall conduct a performance test of the new flare pursuant to 40 C.F.R. § 60.754(d) to demonstrate compliance with 40 C.F.R. § 60.752(b)(2)(iii)(B) within ~~XX~~ 180 days of ~~completion of flare installation~~the initial startup of the new flare.

21. The Town shall submit the performance test report for the new flare within 45 days after completion of the performance test.

22. SO_2 Monitoring Plan. To demonstrate compliance with the requirements of Paragraph 15 (SO_2 Control Operation), within 120 Days after the Effective Date, the Town shall install and operate a ~~continuous~~ hydrogen sulfide (H_2S) process/fuel gas monitoring system that collects a measurement at least every ~~15~~ 60 minutes. Measured H_2S concentration of the landfill gas, along with gas flow rate ~~and gas temperature~~ will be used to calculate hourly average SO_2 mass emissions. The SO_2 Monitoring Plan is more fully described in Appendix A. If the Town experiences one or more operational malfunction occurrences with the monitoring system that impede the collection of H_2S measurement data, the Town shall, within 48 hours of the occurrence of the malfunction, provide written notice to EPA of the type of operational malfunction that occurred. The Town shall follow up within 5 Days of such written notice with a brief report describing the possible cause of the malfunction, if it can be ascertained, and a schedule for investigation of the cause of the malfunction and a

schedule for the repair or replacement of the monitoring system. EPA shall approve or disapprove the proposed schedule. If EPA approves the proposed schedule, the Town shall implement it. If EPA disapproves the proposed schedule, the Town may invoke dispute resolution in accordance with the provisions of Section X of this Consent Judgment.

23. Surface Methane Monitoring Protocol. ~~The~~ Within 60 days of the Effective Date, the Town shall ~~maintain~~ submit to EPA for approval a Surface Methane Monitoring Protocol that meets the requirements of 40 CFR §§ 60.753(d) and 755(c), and describes the specific procedures the Town uses to monitor methane over the surface of the ~~Brookhaven~~ Landfill. The Surface Methane Monitoring Protocol is described more fully in Appendix B. ~~The~~ Within 30 Days of approval of the Protocol by EPA, the Town shall ~~perform~~ implement and maintain performance of surface monitoring in accordance with ~~that protocol~~the Protocol.

24. Permitting Requirements. ~~The~~ Within 120 Days after the Effective Date, the Town shall apply to the appropriate permitting authority to permanently include any ~~substantive~~ applicable requirements ~~agreed to by the parties~~ (e.g., SO_2 control operation, performance and operational requirements, inclusion of 40 C.F.R. Part 60, Subpart WWW, 40 C.F.R. Part 63, Subpart AAAA, 40 C.F.R. § 60.11(d) and 40 C.F.R. § 63.6(e) ~~(as applicable requirements~~) into a federally enforceable permit ~~(other than a Title V permit). The~~. In accordance with applicable laws and their implementing regulations, the Town shall also file any

applications necessary to incorporate the requirements of the permit into a Title V operating permit for the Landfill.

25. Other Permits. Where any compliance obligation under this Consent Judgment requires the Town to obtain a federal, state, or local permit or approval, the Town shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. The Town may seek relief under the provisions of Section IX (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Town has submitted timely and complete applications and ~~have~~ has taken all other actions necessary to obtain all such permits or approvals.

26. The compliance requirements of this Consent Judgment do not relieve the Town of any compliance obligations required by the Act or its implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement, except as set forth herein.

27. Audit Contractor ~~Selection Process~~. Within ~~60 Days after~~ 30 days of the Effective Date, the Town shall ~~submit in writing to the United States, for EPA review and approval, the name of~~ retain SCS Engineers as the Audit Contractor ~~it plans to retain and its qualifications~~ to perform the Elevated Temperature Audit described in Paragraph ~~23, along with any other relevant material concerning the candidates~~29. ~~In the notification submitted pursuant to this Paragraph, the Town shall certify that the Audit Contractor meets all of the conditions set forth in subparagraphs (a) and (c), below.~~

~~a. The Audit Contractor is a professional engineer with demonstrated experience in the Clean Air Act and has the appropriate experience to conduct the Elevated Temperature Audit.~~

~~b. The Audit Contractor must have experience in successfully remediating subsurface elevated temperature events.~~

28. [Intentionally Omitted]

~~c. The Audit Contractor is an independent third-party and has not performed work for the Town since at least July 1, 2015.~~

~~28.If the United States determines that the Audit Contractor the Town selected is not acceptable for any reason, it will notify the Town in writing and the Town shall, as soon as practicable: (a) substitute an alternate Audit Contractor that satisfies the criteria set forth in Paragraph 27 .; and (b) submit the certification referenced in Paragraph 39 regarding the substitute Audit Contractor. Any dispute regarding the qualifications or acceptability of an Audit Contractor shall be resolved in accordance with Section X (Dispute Resolution), and the deadlines for the submittal of the Elevated Temperature Audit Report, as set forth in Paragraph 24, shall be extended by the number of Days during which any such dispute resolution proceeding is pending.~~

29. Elevated Temperature Audit. Within ~~days of receipt of approval from EPA of the Audit Contractor~~60 days after the Effective Date, the Town shall, through the ~~selected~~ Audit Contractor, commence a comprehensive evaluation of the landfill's elevated gas

temperatures ("Elevated Temperature Audit"), including preparing any corrective action recommendations regarding the elevated temperatures to operate the landfill in accordance with the Landfill NSPS. The Elevated Temperature Audit shall be completed within 120 Days of its commencement date.

30. Within ~~30~~ 60 days of completing the Elevated Temperature Audit, the Town shall, through the Audit Contractor, submit to EPA a report of the findings of the Elevated Temperature Audit (the "Report"). The Report shall include, for EPA's approval, recommendations of corrective action and a schedule for completion of such corrective action.

31. The ~~Elevated Temperature Audit~~ Report must be signed by an official with knowledge of the audit and shall bear the certification specified in Paragraph ~~39~~45. Upon EPA's approval of the ~~Elevated Temperature Audit~~Report, the Town shall implement all recommendations for corrective action described in the ~~audit report~~ Report and in accordance with the schedule in the ~~audit report~~Report, provided however, that if the Town believes one or more recommendations is not commercially reasonable, the Town may apply to EPA for relief, and if EPA approves, the Town is not required to implement such recommendation(s).

VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT[tc \l1 "VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT]

32. The Town shall, within ~~180 days~~ 240 Days of the Effective Date, implement the Supplemental Environmental Project ("SEP") described herein, in accordance with the provisions of this Consent Judgment including Appendix C.

33. With regard to the SEP, the Town certifies the truth and accuracy of each of the following:

a. that, as of the date of executing this Consent Judgment, the Town is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

b. that the SEP is not a project that the Town was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Judgment;

c. that the Town is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activities described in the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For purposes of these certifications, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally guaranteed loan, or other mechanism for providing federal financial assistance whose performance period has not yet expired; and

d. that the Town has not received and will not receive credit for the SEP in any other enforcement action; and that the Town will not receive any reimbursement for any portion of the SEP from any other person.

34. SEP Progress Reports. The Town shall submit quarterly SEP progress reports electronically to the United States and EPA in accordance with Section ~~XV~~ XIV (Notices). The first quarterly SEP progress report will be due no later than one month following the end of the calendar-year quarter (*i.e.*, by January 31, April 30, July 31, and October 31) after the Effective Date and will cover the first reporting period after the Effective Date. Each subsequent quarterly report will be due no later than 30 days after the end of the previous calendar quarter. The Town shall submit quarterly SEP reports from the Effective Date of the Consent Judgment until ~~termination~~ completion of the ~~Consent Judgment~~SEP. The progress reports shall contain the following information:

a. a detailed description of the steps that have been taken to implement the SEP; and

b. a description of any problems encountered in implementing the SEP and the solutions thereto.

35. SEP Completion Report. Within 60 Days after the deadline for completion of the SEP, the Town shall submit a SEP Completion Report to the United States and EPA in accordance with Section ~~XV~~ XIV (Notices). The SEP Completion Report shall contain the following information:

a. a detailed description of the SEP as implemented;

b. a description of any problems encountered in completing the SEP and the solutions thereto; and

c. a certification that the SEP has been fully implemented pursuant to the provisions of this Consent Judgment, or, if not fully implemented, a description of the ways in which it has not been fully implemented.

36. If EPA requests information in addition to that described herein, in order to evaluate the Town's implementation of the SEP, the Town shall provide such information.

37. After receiving the SEP Completion Report, the United States shall notify the Town whether or not EPA determines that the Town has satisfactorily completed the SEP. If EPA determines that the Town has not completed the SEP in accordance with this Consent Judgment, stipulated penalties may be assessed under Section VIII of this Consent Judgment. Such stipulated penalties shall not accrue during EPA's consideration of the SEP Completion Report.

38. Each submission required under this Section shall be signed by an official with knowledge of the SEP and shall bear the certification language set forth in Paragraph ~~39~~45.

39. Any public statement, oral or written, in print, film, or other media, made by the Town making reference to the SEP under this Consent Judgment shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, United States v. Town of Brookhaven, taken on behalf of the U.S. Environmental Protection Agency under the Clean Air Act."

VII. REPORTING REQUIREMENTS[tc \l1 "VII. REPORTING REQUIREMENTS]

40. The Town shall submit the following reports set forth in this Section to the United States and EPA from the Effective Date until the termination of the Consent Judgment.

All submissions required by this Section shall indicate the case name and case docket number and be sent to EPA, with a copy of the transmittal correspondence, without attachments, sent to the United States in accordance with Section XV (Notices):

41. No later than one month following the end of each calendar-year quarter (*i.e.*, by January 31, April 30, July 31, and October 31) after the Effective Date, until termination of this Consent Judgment pursuant to Section ~~XX~~XIX, the Town shall submit electronically to EPA a quarterly report for the preceding quarter that shall include the status of implementation of all compliance requirements under Section V, including performance of the Elevated Temperature Audit ~~Report~~; and all related corrective actions proposed in the Elevated Temperature Audit Report; completion of milestones; problems encountered or anticipated, their causes, and implemented or proposed solutions; status of any permit applications submitted for approval to perform the work under this Consent Judgment, and the status of any Title V permit renewal or modification; and operation and maintenance of equipment used to implement work under this Consent Judgment. EPA reserves the right to request additional or follow-up information.

42. The quarterly report described in Paragraph ~~40~~ 41 above (preceding paragraph) shall also include a description of any non-compliance with the requirements of Section V and an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be explained at the time the report is due, the Town shall so state in the report. If the cause of the violation is

determined subsequently, the Town shall update and submit the updated report as soon as practicable following such determination. Nothing in this Paragraph or the following Paragraph relieves the Town of its obligation to provide the notice required by Section IX (Force Majeure).

43. Notification of Non-Compliance, Violations ~~or Other Events That May Pose a Threat to Public Health or Welfare or the Environment~~. If the Town violates, or has reason to believe that it may violate, any requirement of this Consent Judgment, the Town shall notify the United States of such violation and its likely duration, in writing, within ten Days of the Day the Town first becomes aware of the violation, with an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be fully explained at the time the report is due, the Town shall so state in the report. The Town shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the violation, or if the Town is unable to ascertain the cause of the violation, it shall include a full explanation of its efforts to do so, within 30 Days of the Day the Town becomes aware of the cause of the violation. Nothing in this Paragraph or the following Paragraph relieves the Town of its obligation to provide the notice required by Section IX (Force Majeure).

~~44. Notification of Immediate Threat. Whenever any violation of this Consent Judgment or any other event affecting the Town's performance under this Consent Judgment, or a condition arising at any Landfill owned and/or operated by the Town, may pose an immediate threat to the public health or welfare or the environment, the Town shall notify EPA orally and by electronic or facsimile transmission as soon as possible, but no later than 24 hours after the~~

~~Town first knew of the violation or event. This procedure is in addition to the requirements set forth in the preceding Paragraph.~~

44. [Intentionally Omitted]

45. Each report submitted by the Town under this Section shall be signed by an official of the ~~submitting party~~ Town and include the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

This certification requirement does not apply to emergency situations or similar instances where compliance with this requirement would be impractical.

46. The reporting requirements of this Consent Judgment ~~does~~ do not relieve the Town of any reporting obligations required by the Act or its implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

47. Any information provided pursuant to this Consent Judgment may be used by the United States in any proceeding to enforce the provisions of this Consent Judgment and as otherwise permitted by law.

VIII. STIPULATED PENALTIES[tc \l1 "VIII. STIPULATED PENALTIES]

48. The Town shall be liable for stipulated penalties to the United States for violations of this Consent Judgment as specified below, unless excused under Section IX (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Consent Judgment, including, the transfer provisions, the compliance and reporting requirements, the SEP requirements, and any work plan or schedule approved under this Consent Judgment, according to all applicable requirements of this Consent Judgment and within the specified time schedules established by or approved under this Consent Judgment.

49. Late Payment of Civil Penalty. If the Town fails to pay the civil penalty required to be paid under Section IV of this Consent Judgment (Civil Penalty) when due, the Town shall pay a stipulated penalty of $2,500 per Day for each Day that the payment is late.

50. The following stipulated penalties shall accrue per violation per day for each failure to ~~design, construct and~~ operate the GCCS in accordance with 40 C.F.R. § 60.757(f)(4) and for each failure to implement corrective action specified in the approved Elevated Temperature Audit Report:

Penalty Per Violation Per Day	Period of Noncompliance
$~~1,000~~500	1st through 14th Day
$~~1,500~~1,000	15th through 30th Day
$~~3,000~~2,000	31st Day and beyond

Notwithstanding the foregoing, stipulated penalties shall not accrue with respect to any noncompliance with the Landfill NSPS or Landfill MACT that may be associated with (a) the elevated gas temperatures in certain gas wells at the Landfill that are the subject of the Elevated

Temperature Audit; and (b) the inactive LGCs, as described in the Town's November , 2018 request to EPA that is referenced in Paragraph 14 above, during the pendency of EPA's review and response and also for 30 days after any disapproval issued by EPA regarding one or more LGCs identified as inactive.

51. Flare Compliance. The following stipulated penalties shall accrue per violation per Day for each failure to timely comply with the ~~permitting~~ design and installation milestones of the new flare:

Penalty Per Violation Per Day	Period of Noncompliance
$~~1,000~~500	1st through 14th Day
$~~1,500~~1,000	15th through 30th Day
$~~3,000~~2,000	31st Day and beyond

52. SO_2 Emission Standards. The following stipulated penalties shall accrue per violation per Day for each failure to comply with the SO_2 emission standards identified in Paragraph 15.

a. $~~5,000~~ 1,000 per Day for violation of the hourly limit.

b. $~~10,000~~ 1,500 for violation of the rolling 30-day limit plus $~~5,000~~ 2,000 for any subsequent period that includes any overlap of the initial 30-day rolling period.

c. $~~25,000~~ 5,000 for violation of the rolling ~~365-day~~ 12-month limit plus $~~5,000~~ 1,000 for any subsequent period that includes any overlap of the initial ~~365-day~~ 12-month rolling period.

53. Delays in Submission of Reports. The following stipulated penalties shall accrue per violation per Day for each failure to timely submit a report under this Consent Judgment, pursuant to Section VII (Reporting Requirements), Paragraph 19 (Performance Test Protocol Submittal), Paragraph ~~20~~ 21 (Performance Test Report Submittal), Paragraph 34 (SEP Progress Reports) and Paragraph 35 (SEP Completion Report):

Penalty Per Violation Per Day	Period of Noncompliance
$500	1st through 14th Day
$~~1,500~~1,000	15th through 30th Day
$~~3,000~~1,500	31st Day and beyond

54. SEP Compliance. The following stipulated penalties shall accrue for each day of each failure to timely implement the SEP in accordance with Section VIII and Appendix C:

a.

Penalty Per Violation Per Day	Period of Noncompliance
$500	1st through 14th day
$1000	15th through 30th day
$1,500	31st day and beyond

b. If the Town fails to implement the SEP by halting or abandoning work on the SEP, the Town shall pay a stipulated penalty of $450,000. The penalty under this ~~Sub-paragraph~~ sub-paragraph shall accrue as of the date specified for completing the SEP or the date performance ceases, whichever is earlier.

55. Stipulated penalties under this Section shall begin to accrue on the Day after performance is due or on the Day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases.

56. The Town shall pay any stipulated penalty within 30 Days of receiving the United States' written demand therefor.

57. The United States may in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due it under this Consent Judgment.

58. Stipulated penalties shall continue to accrue as provided in Paragraph ~~86~~74, during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by a decision of the United States that is not appealed to the Court or by agreement, the Town shall pay accrued penalties determined to be owing, together with Interest, to the United States within 30 Days of receipt of the United States' decision or within the time frame set forth in the agreement.

b. If the dispute is appealed to the Court and the United States prevails in whole or in part, the Town shall pay all accrued penalties determined by the Court to be owing, together with Interest, within 30 Days of receiving the Court's decision or order, except as provided in subparagraph c, below.

c. If any Party appeals the District Court's decision, the Town shall pay all accrued penalties determined to be owing, together with Interest, within 15 Days of receiving the final appellate court decision.

59. ~~Stipulated penalties under this Section shall begin to accrue on the Day after performance is due or on the Day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases.~~ Stipulated penalties shall accrue simultaneously for separate violations of this Consent Judgment.

60. If the Town fails to pay stipulated penalties according to the terms of this Consent Judgment, the Town shall be liable for ~~interest~~ Interest on such penalties, as provided for in 28 U.S.C. §1961, accruing as of the date payment became due. Nothing in this Paragraph shall be construed to limit the United States from seeking any remedy otherwise provided by law for the Town's failure to pay any stipulated penalties.

61. Subject to the provisions of Section XII (Effect of Settlement/Reservation of Rights), the stipulated penalties provided for in this Consent Judgment shall be in addition to any other rights, remedies, or sanctions available to the United States for the Town's violation of this Consent Judgment or applicable law. Where a violation of this Consent Judgment is also a violation of the Act and its implementing regulations, the Town shall be allowed a credit, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

IX. FORCE MAJEURE[tc \l1 "IX. FORCE MAJEURE]

62. "Force majeure," for purposes of this Consent Judgment, is defined as any event arising from causes beyond the control of the Town, of any entity controlled by the Town, or of the Town's contractors that delays or prevents the performance of any obligation under this Consent Judgment despite the Town's best efforts to fulfill the obligation. "Force majeure" shall include war, riots, fire, flood, hurricane, superstorm, earthquake, lightning, explosion, strikes,

lockouts, slowdowns, prolonged shortage of energy supplies, and acts of state or governmental action prohibiting or impeding the Town from performing its respective obligations under this Consent Judgment. The requirement that the Town exercises "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include the Town's financial inability to perform any obligation under this Consent Judgment.

63. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Judgment, whether or not caused by a force majeure event, the Town shall provide notice orally or by electronic or facsimile transmission to EPA, within 72 hours of when the Town first knew that the event might cause a delay. Within seven days thereafter, the Town shall provide in writing to the United States an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the Town's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of the Town, such event may cause or contribute to an endangerment to public health, welfare or the environment. The Town shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude the Town from asserting any claim of force

majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. The Town shall be deemed to know of any circumstance of which the Town, any entity controlled by the Town, or the Town's contractors knew or should have known.

64. If EPA agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Judgment that are affected by the force majeure event will be extended by the United States for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. The United States will notify the Town in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

65. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, the United States will notify the Town in writing of its decision. The United States' position shall be binding unless the Town invokes Dispute Resolution under Section X.

66. If the Town elects to invoke the dispute resolution procedures set forth in Section X (Dispute Resolution), it shall do so no later than 30 Days after receipt of EPA's notice. In any such proceeding, the Town shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the

circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that the Town complied with the requirements of Paragraph ~~and~~ 66, above. If the Town carries this burden, the delay at issue shall be deemed not to be a violation by the Town of the affected obligation of this Consent Judgment identified to EPA and the Court.

X. DISPUTE RESOLUTION[tc \l1 "X. DISPUTE RESOLUTION]

67. Unless otherwise expressly provided for in this Consent Judgment, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Judgment. The Town's failure to seek resolution of a dispute under this Section shall preclude the Town from raising ~~any such issue~~ the lack of dispute resolution as a defense to an action by the United States to enforce any obligation of the Town arising under this Consent Judgment.

68. Informal Dispute Resolution. Any dispute subject to ~~Dispute Resolution~~ dispute resolution under this Consent Judgment shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when the Town sends the United States a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 60 Days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the United States shall be considered binding unless, within 30 Days after the conclusion of the informal negotiation period, the Town invokes formal dispute resolution procedures as set forth below.

69. Formal Dispute Resolution. The Town shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by delivery to the United States pursuant to Section ~~XV~~ XIV (Notices) a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting the Town's position and any supporting documentation relied upon by the Town.

70. The United States shall serve its Statement of Position within 45 Days of receipt of the Town's Statement of Position. The United States' Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation relied upon by the United States. The United States' Statement of Position shall be binding on the Town, unless the Town files a motion for judicial review of the dispute in accordance with the following Paragraph.

71. The Town may seek judicial review of the dispute by filing with the Court and serving on the United States, in accordance with Section ~~XV~~ XIV (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 30 Days of receipt of the United States' Statement of Position pursuant to the preceding Paragraph. The motion shall contain a written statement of the Town's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Judgment.

72. The United States shall respond to the Town's motion within the time period allowed by the Local Rules of the United States District Courts for the Eastern District of New York ("Local Rules"). The Town may file a reply memorandum, to the extent permitted by the Court and the Local Rules.

73. Standard of Review.

a. Disputes Concerning Matters Accorded Record Review. Except as otherwise provided in this Consent Judgment, in judicial review of any dispute brought under Paragraph ~~64~~ 67 pertaining to the adequacy or appropriateness of plans, procedures to implement plans, schedules or other items requiring EPA approval under this Consent Judgment, and all other disputes that are accorded review on the administrative record under applicable principles of administrative law, the Town shall have the burden of demonstrating, based on the administrative record, that the position of the United States is arbitrary and capricious or otherwise not in accordance with law.

b. Other Disputes. Except as otherwise provided in this Consent Judgment, in any other dispute brought under Paragraph ~~64~~67, the Town shall bear the burden of demonstrating that its position complies with this Consent Judgment ~~and better furthers the objectives of the Consent Judgment~~.

74. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of the Town under this Consent Judgment, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first Day of

noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph ~~64h1~~58. If the Town does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section VIII (Stipulated Penalties).

XI. INFORMATION COLLECTION AND RETENTION[tc \l1 "XI. INFORMATION COLLECTION AND RETENTION]

75. The United States and its representatives, including attorneys, contractors, and consultants, shall have the right of entry into ~~any~~ the Landfill covered by this Consent Judgment, at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Consent Judgment;

b. verify any data or information submitted to the United States in accordance with the terms of this Consent Judgment;

c. obtain samples and, upon request, splits of any samples taken by the Town or its representatives, contractors, or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess the Town's compliance with this Consent Judgment.

76. Upon request, the Town shall provide EPA or its authorized representatives splits of any samples taken by the Town. Upon request, EPA shall provide the Town splits of any samples taken by EPA.

77. Until five years after the termination of this Consent Judgment, the Town shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to the Town's performance of its obligations under this Consent Judgment. This information-retention requirement shall apply regardless of any contrary ~~county~~Town, corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the United States, the Town shall provide copies of any documents, records, or other information required to be maintained under this Paragraph.

78. At the conclusion of the information-retention period provided in the preceding Paragraph, the Town shall notify the United States at least 90 Days prior to the destruction of any documents, records, or other information subject to the requirements of the preceding Paragraph and, upon request by the United States, the Town shall deliver any such documents, records, or other information to the United States. The Town may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If the Town asserts such a privilege, it shall provide the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the name and title of each author of the document, record, or information; (4) the name and title of each addressee and recipient; (5) a description of the subject of the document, record, or information; and (6) the privilege asserted by the Town.

However, no documents, records, or other information created or generated pursuant to the requirements of this Consent Judgment shall be withheld on grounds of privilege.

79. The Town may also assert that information required to be provided under this Section is protected as Confidential Business Information ("CBI") under 40 C.F.R. Part 2. As to any information that the Town seeks to protect as CBI, the Town shall follow the procedures set forth in 40 C.F.R. Part 2.

80. This Consent Judgment in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States pursuant to applicable federal laws, regulations, or permits, nor does it limit or affect any duty or obligation of the Town to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS[tc \l1 "XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS]

81. This Consent Judgment resolves the civil claims of the United States for the violations alleged in the Complaint filed in this action through the ~~date of lodging~~Effective Date.

82. The United States reserves all legal and equitable remedies available to enforce the provisions of this Consent Judgment, except as expressly stated in Paragraph ___. This Consent Judgment shall not be construed to limit the rights of the United States to obtain

penalties or injunctive relief under the Act or implementing regulations, or under other federal laws, regulations, or permit conditions, except as expressly specified in Paragraph ___. The United States further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, the ~~Town's~~ Landfill, whether related to the alleged violations addressed in this Consent Judgment or otherwise.

83. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, civil penalties, other appropriate relief relating to the Landfill or to the Town's alleged violations, the Town shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to Paragraph ~~64~~__.

84. This Consent Judgment is not a permit, or a modification of any permit issued or obtained pursuant to any federal, State, or local laws or regulations. The Town is responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits; and the Town's compliance with this Consent Judgment shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States does not, by its consent to the entry of this Consent Judgment, warrant or aver in any manner that the Town's compliance with any

aspect of this Consent Judgment will result in compliance with provisions of the Act, its implementing regulations, or with any other provisions of federal, State, or local laws, regulations, or permits.

85. This Consent Judgment does not limit or affect the rights of the Town or of the United States against any third parties, not party to this Consent Judgment, nor does it limit the rights of third parties, not party to this Consent Judgment, against the Town, except as otherwise provided by law.

86. This Consent Judgment shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Judgment.

XIII. COSTS[tc \l1 "XIII. COSTS]

87. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by the Town.

XIV. NOTICES[tc \l1 "XV. NOTICES]

88. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Judgment, they shall be made in writing and addressed as follows:

To the United States:

Diane C. Leonardo
Assistant United States Attorney
Eastern District of New York

610 Federal Plaza, Central Islip, New York 11722
via email: diane.beckmann@usdoj.gov

EES Case Management Unit
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-09884/1
via email: eescdcopy.enrd@usdoj.gov

To EPA:
NAME
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway
New York, New York 10007-1866
via email:

Robert Buettner
Chief, Air Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866
via email:

To The Town:

~~Virginia C~~Robert R. ~~Robbins~~Tyson, Esq.
Bond, Schoeneck & King
One Lincoln Center
Syracuse, New York 13202-1355
via email:

89. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

90. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, unless otherwise provided in this Consent Judgment or by mutual agreement of the Parties in writing.

XV. EFFECTIVE DATE[tc \l1 "XVI. EFFECTIVE DATE]

91. The Effective Date of this Consent Judgment shall be the date upon which this Consent Judgment is entered by the Court or a motion to enter the Consent Judgment is granted, whichever occurs first, as recorded on the Court's docket~~; provided, however, that the Town hereby agrees that it shall be bound to perform duties scheduled to occur prior to the Effective Date~~. In the event the United States withdraws or withholds consent to this Consent Judgment before entry, or the Court declines to enter the Consent Judgment, then the preceding requirement to perform duties scheduled to occur before the Effective Date shall terminate.

XVI. RETENTION OF JURISDICTION[tc \l1 "XVII. RETENTION OF JURISDICTION]

92. The Court shall retain jurisdiction over this case until termination of this Consent Judgment, for the purpose of resolving disputes arising under this Consent Judgment or entering orders modifying this Consent Judgment, pursuant to Sections X (Dispute Resolution) and ~~XIX~~ XVIII (Modification), or effectuating or enforcing compliance with the terms of this Consent Judgment.

XVII. APPENDICES[tc \l1 "XVIII. APPENDICES]

93. The following appendices are attached to and part of this Consent Judgment:

Appendix A is the SO_2 Monitoring Plan described in Paragraph ~~16~~22;

Appendix B is the Surface Methane Monitoring Protocol discussed in Paragraph ~~17~~23;

Appendix C is the description of the SEP.

XVIII. MODIFICATION[tc \l1 "XIX. MODIFICATION]

94. The terms of this Consent Judgment, including the attached appendices, may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to this Consent Judgment, it shall be effective only upon approval by the Court. Reasonable compliance schedule adjustment(s) requested by the Town for good cause shown and approved by EPA shall not constitute a material change to this Consent Judgment.

95. Any disputes concerning modification of this Consent Judgment shall be resolved pursuant to Section X of this Consent Judgment (Dispute Resolution), provided, however, that, instead of the burden of proof provided by Paragraph ~~68~~73, the Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XIX. TERMINATION[tc \l1 "XX. TERMINATION]

96. After the Town has (a) satisfactorily complied with the compliance, and reporting requirements of Sections V, and VII, for a period of three years, (b) completed the payment and SEP requirements of Sections IV and VI, and (c) paid any accrued stipulated penalties as required by this Consent Judgment, the Town may serve upon the United States a Request for Termination of the Consent Judgment. In that Request, the Town must state that it

has satisfied all requirements of the Consent Judgment, together with all necessary supporting documentation.

97. Following receipt by the United States of the Town's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether the Town has satisfactorily complied with the requirements for termination of this Consent Judgment. If the United States agrees that the Consent Judgment may be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Consent Judgment.

98. If the United States does not agree that the Consent Judgment may be terminated, the Town may invoke Dispute Resolution under Section X of this Consent Judgment. However, the Town shall not seek Dispute Resolution of any dispute regarding termination, under Paragraph ~~64~~67, until 60 Days after service of their Request for Termination.

XX. PUBLIC PARTICIPATION[tc \l1 "XXI. PUBLIC PARTICIPATION]

99. This Consent Judgment shall be lodged with the Court for a period of not less than 30 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Judgment disclose facts or considerations indicating that the Consent Judgment is inappropriate, improper, or inadequate. The Town consents to entry of this Consent Judgment without further notice and agrees not to withdraw from or oppose entry of this Consent Judgment by the Court or to challenge any provision of the Consent Judgment, unless the United States has notified the Town in writing that it no longer supports entry of the Consent Judgment.

XXI. SIGNATORIES/SERVICE[tc \l1 "XXII. SIGNATORIES/SERVICE]

100. The undersigned representative of the Town, and the Deputy Section Chief for the Environmental Enforcement Section of the Environment and Natural Resources Division of the Department of Justice each certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Judgment and to execute and legally bind the Party he or she represents to this document.

101. This Consent Judgment may be signed in counterparts, and its validity shall not be challenged on that basis. The Town agrees to accept service of process by mail with respect to all matters arising under or relating to this Consent Judgment and to waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including service of a summons.

XXII. INTEGRATION[tc \l1 "XXIII. INTEGRATION]

102. This Consent Judgment constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Consent Judgment and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than the submissions that are subsequently made and approved pursuant to this Consent Judgment, no other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this Consent Judgment or the settlement it represents, nor shall it be used in construing the terms of this Consent Judgment.

XXIII. FINAL JUDGMENT[tc \l1 "XXIV. FINAL JUDGMENT]

103. Upon approval and entry of this Consent Judgment by the Court, this Consent Judgment shall constitute a final judgment of the Court as to the United States and the Town.

IT IS SO ORDERED:

_____ Dated: _____
United States District Judge

FOR PLAINTIFF UNITED STATES OF AMERICA

Dated: Washington, D.C.
___, 2018

_____
ELLEN M. MAHAN
Deputy Section Chief
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York
Attorney for Plaintiff
610 Federal Plaza
Central Islip, New York 11722

By: _____
DIANE C. LEONARDO
Assistant United States Attorney
631-715-7854

_____
ERIC SCHAAF
Regional Counsel, Region 2
United States Environmental Protection Agency

FOR THE TOWN OF BROOKHAVEN:

Dated:

_____

Town of Brookhaven

APPENDIX A

APPENDIX B

APPENDIX C

Comparison Details	
Title	**pdfDocs compareDocs Comparison Results**
Date & Time	11/14/2018 10:38:20 AM
Comparison Time	1.80 seconds
compareDocs version	v4.2.100.13

Sources	
Original Document	[#3233605] [v2] Brookhaven CD - 10-1-18 DOJ draft with Town revisions
Modified Document	[#3233605] [v5] Brookhaven CD - 10-1-18 DOJ draft with Town revisions

Comparison Statistics	
Insertions	67
Deletions	50
Changes	100
Moves	0
TOTAL CHANGES	217

Word Rendering Set Markup Options	
Name	
Insertions	
~~Deletions~~	
Moves / ~~Moves~~	
Inserted cells	
Deleted cells	
Merged cells	
Formatting	None.
Changed lines	Mark outside border.
Comments color	By Author.
Balloons	True

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after Saving	General	Always
Report Type	Word	Formatting
Character Level	Word	False
Include Headers / Footers	Word	True
Include Footnotes / Endnotes	Word	True
Include List Numbers	Word	True
Include Tables	Word	True
Include Field Codes	Word	True
Include Moves	Word	True
Show Track Changes Toolbar	Word	True
Show Reviewing Pane	Word	True
Update Automatic Links at Open	Word	False
Summary Report	Word	End
Include Change Detail Report	Word	Separate
Document View	Word	Print
Remove Personal Information	Word	False
Flatten Field Codes	Word	True

US Draft dated 10/01/18 edited on 11/14/18 by Town of Brookhaven/Bond, Schoeneck & King
SUBJECT TO FURTHER REVIEW BY THE TOWN OF BROOKHAVEN
Subject to Further Government Review and Approval
For Settlement Purposes Only – Subject to Fed. R. Evid. 408

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------x
UNITED STATES OF AMERICA,

Plaintiff,

Civil Action-
No. _____

against –

Town of Brookhaven

Defendant.
----------x

CONSENT JUDGMENT

Total Production Set 6.30.21 ED_004082B_00047400-00001

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[TOC \f]

Recitations

A. Plaintiff United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), has filed a Complaint in this action, pursuant to Section 113(b) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7413(b), alleging, *inter alia*, that Defendant, Town of Brookhaven (the "Town") violated its CAA Title V operating permit ("Title V permit"), the Act, and the landfill regulations promulgated under the Act, codified at 40 C.F.R. Part 60, Subpart WWW ("Landfill NSPS") and at 40 C.F.R. Part 63, Subpart AAAA ("Landfill MACT"), at the Brookhaven Landfill (the "Landfill"), including the Brookhaven Landfill Gas Recovery Facility, located at 350 Horseblock Road, Yaphank, New York.

B. The Town has a population of approximately 450,000 residents. The Town owns and operates the Landfill for the benefit of the Town's residents and the surrounding Long Island region. The Landfill consists of six cells, the first of which was constructed in 1974. The Town currently uses Cell 6 where it accepts construction and demolition debris and ash residue as a byproduct of resource recovery for disposal. The Town is permitted to accept up to 2,700 tons a day of waste at the Landfill. The Town holds a solid waste management facility permit and a Title V permit for the Landfill, both issued by the New York State Department of Environmental Conservation ("NYSDEC").

C. In 2008, during NYSDEC's renewal process for the Town's Title V permit, EPA objected to one condition in the draft permit relating to operation of the Sulfa Treat hydrogen sulfide control system used to treat landfill gas. EPA required Sulfa Treat to be operated continuously and issued a Compliance Order to the Town in 2009. The Town timely complied

with the Order. Between 2008 and 2011, EPA issued four Requests for Information under Section 114 of the Act and the Town cooperated by providing detailed responsive information. In 2011, EPA issued a Finding of Violation to the Town alleging violations of the Act and its implementing regulations. The Town has worked cooperatively with EPA since 2011 in an effort to address the alleged violations.

D. The United States alleges in the Complaint that the Town violated the Landfill NSPS and the Landfill MACT.

E. The United States also alleges that the Town violated its Title V permit.

F. The Town does not admit any liability to the United States arising out of the transactions or occurrences alleged in the Complaint.

G. The Parties seek to avoid further litigation and work cooperatively on issues related to conditions at the Landfill, including addressing elevated temperatures in interior wellheads. The injunctive relief set forth in this Consent Judgment is intended to, *inter alia*, ensure operation of the Landfill in accordance with applicable law.

H. The Parties recognize, and the Court by entering this Consent Judgment finds, that this Consent Judgment has been negotiated by the Parties in good faith and will avoid litigation between the Parties and that this Consent Judgment is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law, except as provided in Section I, and with the consent of the Parties,

IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE[tc \l1 "I. JURISDICTION AND VENUE]

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 113(b) of the Act, 42 U.S.C. § 7413(b), and over the Parties. Venue lies in this District pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b) and (c), and 1395(a), because the Landfill is located in this judicial district, and the violations alleged in the Complaint are alleged to have occurred in this judicial district. For purposes of this Consent Judgment, or any action to enforce this Consent Judgment, the Town consents to the Court's jurisdiction over this Consent Judgment and any such action and over the Town and consents to venue in this judicial district.

2. For purposes of this Consent Judgment, the Town agrees that the Complaint states claims upon which relief may be granted pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). Notice of commencement of this action has been given to the State of New York, specifically, the New York State Department of Environmental Conservation, as required by Section 113(b) of the Act, 42 U.S.C. § 7413(b). The Parties desire to fully and finally resolve all past and present claims that were, or could now or hereafter be, asserted by the United States with respect to the matters covered herein without the necessity of litigation, and without admission, adjudication or determination of any issue of fact or law. The matters covered herein arise out of or in connection with the violations alleged in the Complaint.

II. APPLICABILITY[tc \l1 "II. APPLICABILITY]

3. The provisions of this Consent Judgment apply to and are binding upon the United States, and upon the Town and any successors, assigns, or other entities or persons otherwise bound by law.

4. No transfer of ownership or operation of the Landfill, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve the Town of its obligations to ensure that the terms of this Consent Judgment are implemented. At least 30 Days prior to such transfer, the Town shall provide a copy of this Consent Judgment to the proposed transferee and shall simultaneously provide written notice of the prospective transfer, together with a copy of the proposed or final written transfer agreement, to the United States and EPA.

5. Any attempt to transfer ownership or operation of the Landfill without complying with Paragraph 4 constitutes a violation of this Consent Judgment.

6. The Town shall provide a copy of this Consent Judgment to all officials, employees, and agents whose duties might reasonably include compliance with any provision of this Consent Judgment, as well as to any contractor retained to perform work required under this Consent Judgment. The Town shall condition any such contract upon performance of the work in conformity with the terms of this Consent Judgment.

7. In any action to enforce this Consent Judgment, the Town shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Judgment.

III. DEFINITIONS[tc \l1 "III. DEFINITIONS]

8. Terms used in this Consent Judgment that are defined in the Act or in regulations promulgated pursuant to the Act shall have the meanings assigned to them in the Act or the regulations found at 40 C.F.R. § 60.751 unless otherwise provided in this Consent Judgment. Whenever the terms set forth below are used in this Consent Judgment, the following definitions shall apply:

a. "Complaint" shall mean the complaint filed by the United States in this action;

b. "Consent Judgment" shall mean this Consent Judgment and all appendices attached hereto (listed in Section XVIII);

c. "Day" shall mean a calendar day unless expressly stated to be a business day. In computing any period of time under this Consent Judgment, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day;

d. "The Town" shall mean the Town of Brookhaven, New York;

e. "EPA" shall mean the United States Environmental Protection Agency and any of its successor departments or agencies;

f. "Effective Date" shall have the definition provided in Section XV;

g. "Landfill" shall mean the landfill owned and operated by the

Town, located at 350 Horseblock Road, Yaphank, New York, including the Brookhaven Landfill Gas Recovery Facility;

h. "Interest" shall mean the interest rate specified in 28 U.S.C. § 1961;

i. "Paragraph" shall mean a portion of this Consent Judgment identified by an Arabic numeral;

j. "Parties" shall mean the United States and the Town;

k. "Section" shall mean a portion of this Consent Judgment identified by a roman numeral;

l. "Supplemental Environmental Project" or "SEP" shall mean the environmentally beneficial project required by Section VI of this Consent Judgment;

m. "United States" shall mean the United States of America, acting on behalf of the Environmental Protection Agency.

IV. CIVIL PENALTY[tc \l1 "IV. CIVIL PENALTY]

9. Within 60 Days after the Effective Date, the Town shall pay $249,166 as a civil penalty.

10. The Town shall pay the civil penalty due by FedWire Electronic Funds Transfer ("EFT") to the United States Department of Justice in accordance with written instructions to be provided by the United States Attorney's Office to the Town, following entry of the Consent Judgment. At the time of payment, the Town shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter to the United

States in accordance with Section XIV of this Consent Judgment (Notices); by email to cinwd_acctsreceivable@epa.gov; or by mail to:

EPA Cincinnati Finance Office
26 West Martin Luther King Drive
Cincinnati, Ohio 45268
Attention: Finance, Mail Code: NWD

The letter shall state that the payment is for the civil penalty owed pursuant to the Consent Judgment in United States v. Town of Brookhaven, and shall reference the civil action number, the USAO number and DOJ case number 90-5-2-1-09884/1.

11. The Town shall not deduct any penalties paid under this Consent Judgment pursuant to this Section or Section VIII (Stipulated Penalties) in calculating its federal income tax.

V. COMPLIANCE REQUIREMENTS[tc \l1 "V. COMPLIANCE REQUIREMENTS]

12. General Duty Requirements. The Town shall comply with 40 C.F.R. §§ 60.11(d) and 63.6(e), and maintain and operate the Landfill and all associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

13. Landfill NSPS, Landfill MACT, and Title V Permit. Except as provided herein, as of the Effective Date, the Town shall comply with all provisions of the Landfill NSPS, the Landfill MACT, and the Town's Title V permit.

14. GCCS Design Plan. The Town shall continue to operate and expand a Gas Collection and Treatment System ("GCCS") for the entire Landfill as follows:

a. As of the Effective Date, the Town shall operate the GCCS in accordance with the existing GCCS design plan, which plan the Town has proposed to modify to identify the active landfill gas collectors ("LGCs") and the inactive LGCs, as shown on the existing conditions site plans for Cells 1 – 6 that were submitted by the Town to EPA for approval on November __, 2018. As of the Effective Date, the monitoring, recordkeeping and reporting provisions of the Landfill NSPS and the Landfill MACT shall not apply to the inactive LGCs shown on the existing conditions site plans. If EPA approves the inactive status of one or more of the LGCs shown on the existing conditions site plans, the approved inactive LGCs will no longer be subject to the Landfill NSPS and the Landfill MACT. If EPA does not approve the inactive status of one or more LGCs shown on the existing conditions site plans, the Town will be required to bring those LGCs into compliance with the Landfill NSPS and the Landfill MACT within 30 Days of the date of EPA's disapproval of the inactive status of those LGCs.

b. The Town shall submit an updated GCCS design plan to EPA within seven months after the Effective Date. The design plan must meet the requirements of 40 C.F.R. §§ 60.752(b)(2) and 60.759.

c. The Town shall modify, as necessary, and continue to operate the GCCS as provided in the updated GCCS design plan within 120 Days after EPA approval of the updated GCCS design plan.

d. The Town shall submit updated existing conditions site plans of

the GCCS within 45 Days after modifying the GCCS or if no modifications have been made, submit updated existing conditions site plans of the GCCS within 45 Days of EPA's approval of the updated GCCS design plan.

15. SO_2 Control Operation. The Town shall continuously operate the Landfill's Sulfa Treat system. Upon the commencement of normal operations of the new flare referenced in Paragraph 16, the SO_2 emission rate shall not exceed 235.0 tons per year to be calculated on a 12-month rolling basis, and 53.7 pounds per hour on a 30-day rolling average basis, and an hourly emission rate of 195.8 pounds per hour.

16. New Flare. Within 30 days after the Effective Date, the Town shall begin the public procurement process for the design and installation of a new flare that comports with the specifications identified in the Air Quality Impact Analysis Report dated January 2015. The Town shall complete the major equipment procurement process by awarding a bid within 120 days after the Effective Date. The Town shall complete the field installation procurement process by awarding a bid within 180 Days after the Effective Date.

17. The Town shall commence construction of the field installation of the new flare within 60 days after awarding the bid for the field installation.

18. The Town shall complete the installation of the new flare within 300 days after awarding the major equipment bid.

19. The Town shall submit a performance test protocol for the new flare to EPA for review and approval within 150 days after awarding the major equipment bid.

20. The Town shall conduct a performance test of the new flare pursuant to 40 C.F.R. § 60.754(d) to demonstrate compliance with 40 C.F.R. § 60.752(b)(2)(iii)(B) within 180 days of the initial startup of the new flare.

21. The Town shall submit the performance test report for the new flare within 45 days after completion of the performance test.

22. SO_2 Monitoring Plan. To demonstrate compliance with the requirements of Paragraph 15 (SO_2 Control Operation), within 120 Days after the Effective Date, the Town shall install and operate a hydrogen sulfide (H_2S) process/fuel gas monitoring system that collects a measurement at least every 60 minutes. Measured H_2S concentration of the landfill gas, along with gas flow rate will be used to calculate hourly average SO_2 mass emissions. The SO_2 Monitoring Plan is more fully described in Appendix A. If the Town experiences one or more operational malfunction occurrences with the monitoring system that impede the collection of H_2S measurement data, the Town shall, within 48 hours of the occurrence of the malfunction, provide written notice to EPA of the type of operational malfunction that occurred. The Town shall follow up within 5 Days of such written notice with a brief report describing the possible cause of the malfunction, if it can be ascertained, and a schedule for investigation of the cause of the malfunction and a schedule for the repair or replacement of the monitoring system. EPA shall approve or disapprove the proposed schedule. If EPA approves the proposed schedule, the Town shall implement it. If EPA disapproves the proposed schedule, the Town may invoke dispute resolution in accordance with the provisions of Section X of this Consent Judgment.

23. Surface Methane Monitoring Protocol. Within 60 days of the Effective Date, the Town shall submit to EPA for approval a Surface Methane Monitoring Protocol that meets the requirements of 40 CFR §§ 60.753(d) and 755(c), and describes the specific procedures the Town uses to monitor methane over the surface of the Landfill. The Surface Methane Monitoring Protocol is described more fully in Appendix B. Within 30 Days of approval of the Protocol by EPA, the Town shall implement and maintain performance of surface monitoring in accordance with the Protocol.

24. Permitting Requirements. Within 120 Days after the Effective Date, the Town shall apply to the appropriate permitting authority to permanently include any applicable requirements (e.g., SO_2 control operation, performance and operational requirements, inclusion of 40 C.F.R. Part 60, Subpart WWW, 40 C.F.R. Part 63, Subpart AAAA, 40 C.F.R. § 60.11(d) and 40 C.F.R. § 63.6(e)) into a federally enforceable permit. In accordance with applicable laws and their implementing regulations, the Town shall also file any applications necessary to incorporate the requirements of the permit into a Title V operating permit for the Landfill.

25. Other Permits. Where any compliance obligation under this Consent Judgment requires the Town to obtain a federal, state, or local permit or approval, the Town shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. The Town may seek relief under the provisions of Section IX (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the

Town has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

26. The compliance requirements of this Consent Judgment do not relieve the Town of any compliance obligations required by the Act or its implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement, except as set forth herein.

27. Audit Contractor. Within 30 days of the Effective Date, the Town shall retain SCS Engineers as the Audit Contractor to perform the Elevated Temperature Audit described in Paragraph 29.

28. [Intentionally Omitted]

29. Elevated Temperature Audit. Within 60 days after the Effective Date, the Town shall, through the Audit Contractor, commence a comprehensive evaluation of the landfill's elevated gas temperatures ("Elevated Temperature Audit"), including preparing any corrective action recommendations regarding the elevated temperatures to operate the landfill in accordance with the Landfill NSPS. The Elevated Temperature Audit shall be completed within 120 Days of its commencement date.

30. Within 60 days of completing the Elevated Temperature Audit, the Town shall, through the Audit Contractor, submit to EPA a report of the findings of the Elevated Temperature Audit (the "Report"). The Report shall include, for EPA's approval, recommendations of corrective action and a schedule for completion of such corrective action.

31. The Report must be signed by an official with knowledge of the audit and shall bear the certification specified in Paragraph 45. Upon EPA's approval of the Report, the Town shall implement all recommendations for corrective action described in the Report and in accordance with the schedule in the Report, provided however, that if the Town believes one or more recommendations is not commercially reasonable, the Town may apply to EPA for relief, and if EPA approves, the Town is not required to implement such recommendation(s).

VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT[tc \l1 "VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT]

32. The Town shall, within 240 Days of the Effective Date, implement the Supplemental Environmental Project ("SEP") described herein, in accordance with the provisions of this Consent Judgment including Appendix C.

33. With regard to the SEP, the Town certifies the truth and accuracy of each of the following:

a. that, as of the date of executing this Consent Judgment, the Town is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

b. that the SEP is not a project that the Town was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Judgment;

c. that the Town is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activities described in the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For purposes of these certifications, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally guaranteed loan, or other mechanism for providing federal financial assistance whose performance period has not yet expired; and

d. that the Town has not received and will not receive credit for the SEP in any other enforcement action; and that the Town will not receive any reimbursement for any portion of the SEP from any other person.

34. SEP Progress Reports. The Town shall submit quarterly SEP progress reports electronically to the United States and EPA in accordance with Section XIV (Notices). The first quarterly SEP progress report will be due no later than one month following the end of the calendar-year quarter (*i.e.*, by January 31, April 30, July 31, and October 31) after the Effective Date and will cover the first reporting period after the Effective Date. Each subsequent quarterly report will be due no later than 30 days after the end of the previous calendar quarter. The Town shall submit quarterly SEP reports from the Effective Date of the Consent Judgment until completion of the SEP. The progress reports shall contain the following information:

a. a detailed description of the steps that have been taken to implement the SEP; and

b. a description of any problems encountered in implementing the SEP and the solutions thereto.

35. SEP Completion Report. Within 60 Days after the deadline for completion of the SEP, the Town shall submit a SEP Completion Report to the United States and EPA in accordance with Section XIV (Notices). The SEP Completion Report shall contain the following information:

a. a detailed description of the SEP as implemented;

b. a description of any problems encountered in completing the SEP and the solutions thereto; and

c. a certification that the SEP has been fully implemented pursuant to the provisions of this Consent Judgment, or, if not fully implemented, a description of the ways in which it has not been fully implemented.

36. If EPA requests information in addition to that described herein, in order to evaluate the Town's implementation of the SEP, the Town shall provide such information.

37. After receiving the SEP Completion Report, the United States shall notify the Town whether or not EPA determines that the Town has satisfactorily completed the SEP. If EPA determines that the Town has not completed the SEP in accordance with this Consent Judgment, stipulated penalties may be assessed under Section VIII of this Consent Judgment. Such stipulated penalties shall not accrue during EPA's consideration of the SEP Completion Report.

38. Each submission required under this Section shall be signed by an official with knowledge of the SEP and shall bear the certification language set forth in Paragraph 45.

39. Any public statement, oral or written, in print, film, or other media, made by the Town making reference to the SEP under this Consent Judgment shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action, United States v. Town of Brookhaven, taken on behalf of the U.S. Environmental Protection Agency under the Clean Air Act."

VII. REPORTING REQUIREMENTS[tc \l1 "VII. REPORTING REQUIREMENTS]

40. The Town shall submit the following reports set forth in this Section to the United States and EPA from the Effective Date until the termination of the Consent Judgment. All submissions required by this Section shall indicate the case name and case docket number and be sent to EPA, with a copy of the transmittal correspondence, without attachments, sent to the United States in accordance with Section XV (Notices):

41. No later than one month following the end of each calendar-year quarter (*i.e.*, by January 31, April 30, July 31, and October 31) after the Effective Date, until termination of this Consent Judgment pursuant to Section XIX, the Town shall submit electronically to EPA a quarterly report for the preceding quarter that shall include the status of implementation of all compliance requirements under Section V, including performance of the Elevated Temperature Audit; and all related corrective actions proposed in the Elevated Temperature Audit Report; completion of milestones; problems encountered or anticipated, their causes, and implemented or

proposed solutions; status of any permit applications submitted for approval to perform the work under this Consent Judgment, and the status of any Title V permit renewal or modification; and operation and maintenance of equipment used to implement work under this Consent Judgment. EPA reserves the right to request additional or follow-up information.

42. The quarterly report described in Paragraph [REF _Ref471901605 \r \h] above (preceding paragraph) shall also include a description of any non-compliance with the requirements of Section V and an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be explained at the time the report is due, the Town shall so state in the report. If the cause of the violation is determined subsequently, the Town shall update and submit the updated report as soon as practicable following such determination. Nothing in this Paragraph or the following Paragraph relieves the Town of its obligation to provide the notice required by Section IX (Force Majeure).

43. Notification of Non-Compliance, Violations. If the Town violates, or has reason to believe that it may violate, any requirement of this Consent Judgment, the Town shall notify the United States of such violation and its likely duration, in writing, within ten Days of the Day the Town first becomes aware of the violation, with an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be fully explained at the time the report is due, the Town shall so state in the report. The Town shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the

violation, or if the Town is unable to ascertain the cause of the violation, it shall include a full explanation of its efforts to do so, within 30 Days of the Day the Town becomes aware of the cause of the violation. Nothing in this Paragraph or the following Paragraph relieves the Town of its obligation to provide the notice required by Section IX (Force Majeure).

44. [Intentionally Omitted]

45. Each report submitted by the Town under this Section shall be signed by an official of the Town and include the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

This certification requirement does not apply to emergency situations or similar instances where compliance with this requirement would be impractical.

46. The reporting requirements of this Consent Judgment do not relieve the Town of any reporting obligations required by the Act or its implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

47. Any information provided pursuant to this Consent Judgment may be used by the United States in any proceeding to enforce the provisions of this Consent Judgment and as otherwise permitted by law.

VIII. STIPULATED PENALTIES[tc \l1 "VIII. STIPULATED PENALTIES]

48. The Town shall be liable for stipulated penalties to the United States for violations of this Consent Judgment as specified below, unless excused under Section IX (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Consent Judgment, including, the transfer provisions, the compliance and reporting requirements, the SEP requirements, and any work plan or schedule approved under this Consent Judgment, according to all applicable requirements of this Consent Judgment and within the specified time schedules established by or approved under this Consent Judgment.

49. Late Payment of Civil Penalty. If the Town fails to pay the civil penalty required to be paid under Section IV of this Consent Judgment (Civil Penalty) when due, the Town shall pay a stipulated penalty of $2,500 per Day for each Day that the payment is late.

50. The following stipulated penalties shall accrue per violation per day for each failure to operate the GCCS in accordance with 40 C.F.R. § 60.757(f)(4) and for each failure to implement corrective action specified in the approved Elevated Temperature Audit Report:

Penalty Per Violation Per Day	Period of Noncompliance
$500	1st through 14th Day
$1,000	15th through 30th Day
$2,000	31st Day and beyond

Notwithstanding the foregoing, stipulated penalties shall not accrue with respect to any noncompliance with the Landfill NSPS or Landfill MACT that may be associated with (a) the

elevated gas temperatures in certain gas wells at the Landfill that are the subject of the Elevated Temperature Audit; and (b) the inactive LGCs, as described in the Town's November __, 2018 request to EPA that is referenced in Paragraph 14 above, during the pendency of EPA's review and response and also for 30 days after any disapproval issued by EPA regarding one or more LGCs identified as inactive.

51. Flare Compliance. The following stipulated penalties shall accrue per violation per Day for each failure to timely comply with the design and installation milestones of the new flare:

Penalty Per Violation Per Day	Period of Noncompliance
$500	1st through 14th Day
$1,000	15th through 30th Day
$2,000	31st Day and beyond

52. SO_2 Emission Standards. The following stipulated penalties shall accrue per violation per Day for each failure to comply with the SO_2 emission standards identified in Paragraph [REF _Ref470012829 \r \h].

a. $1,000 per Day for violation of the hourly limit.

b. $1,500 for violation of the rolling 30-day limit plus $2,000 for any subsequent period that includes any overlap of the initial 30-day rolling period.

c. $5,000 for violation of the rolling 12-month limit plus $1,000 for any subsequent period that includes any overlap of the initial 12-month rolling period.

53. Delays in Submission of Reports. The following stipulated penalties shall accrue per violation per Day for each failure to timely submit a report under this Consent Judgment, pursuant to Section VII (Reporting Requirements), Paragraph [REF _Ref525038873 \r \h] (Performance Test Protocol Submittal), Paragraph 21 (Performance Test Report Submittal), Paragraph [REF _Ref484003999 \r \h] (SEP Progress Reports) and Paragraph [REF _Ref484004014 \r \h] (SEP Completion Report):

Penalty Per Violation Per Day	Period of Noncompliance
$500	1st through 14th Day
$1,000	15th through 30th Day
$1,500	31st Day and beyond

54. SEP Compliance. The following stipulated penalties shall accrue for each day of each failure to timely implement the SEP in accordance with Section VIII and Appendix C:

a.

Penalty Per Violation Per Day	Period of Noncompliance
$500	1st through 14th day
$1000	15th through 30th day
$1,500	31st day and beyond

b. If the Town fails to implement the SEP by halting or abandoning work on the SEP, the Town shall pay a stipulated penalty of $450,000. The penalty under this sub-paragraph shall accrue as of the date specified for completing the SEP or the date performance ceases, whichever is earlier.

55. Stipulated penalties under this Section shall begin to accrue on the Day after performance is due or on the Day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases.

56. The Town shall pay any stipulated penalty within 30 Days of receiving the United States' written demand therefor.

57. The United States may in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due it under this Consent Judgment.

58. Stipulated penalties shall continue to accrue as provided in Paragraph 74, during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by a decision of the United States that is not appealed to the Court or by agreement, the Town shall pay accrued penalties determined to be owing, together with Interest, to the United States within 30 Days of receipt of the United States' decision or within the time frame set forth in the agreement.

b. If the dispute is appealed to the Court and the United States prevails in whole or in part, the Town shall pay all accrued penalties determined by the Court to be owing, together with Interest, within 30 Days of receiving the Court's decision or order, except as provided in subparagraph c, below.

c. If any Party appeals the District Court's decision, the Town shall pay all accrued penalties determined to be owing, together with Interest, within 15 Days of receiving the final appellate court decision.

59. Stipulated penalties shall accrue simultaneously for separate violations of this Consent Judgment.

60. If the Town fails to pay stipulated penalties according to the terms of this Consent Judgment, the Town shall be liable for Interest on such penalties, as provided for in 28 U.S.C. §1961, accruing as of the date payment became due. Nothing in this Paragraph shall be construed to limit the United States from seeking any remedy otherwise provided by law for the Town's failure to pay any stipulated penalties.

61. Subject to the provisions of Section XII (Effect of Settlement/Reservation of Rights), the stipulated penalties provided for in this Consent Judgment shall be in addition to any other rights, remedies, or sanctions available to the United States for the Town's violation of this Consent Judgment or applicable law. Where a violation of this Consent Judgment is also a violation of the Act and its implementing regulations, the Town shall be allowed a credit, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

IX. FORCE MAJEURE[tc \l1 "IX. FORCE MAJEURE]

62. "Force majeure," for purposes of this Consent Judgment, is defined as any event arising from causes beyond the control of the Town, of any entity controlled by the Town, or of the Town's contractors that delays or prevents the performance of any obligation under this Consent Judgment despite the Town's best efforts to fulfill the obligation. "Force majeure" shall include war, riots, fire, flood, hurricane, superstorm, earthquake, lightning, explosion, strikes, lockouts, slowdowns, prolonged shortage of energy supplies, and acts of state or governmental action prohibiting or impeding the Town from performing its respective obligations under this

Consent Judgment. The requirement that the Town exercises "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include the Town's financial inability to perform any obligation under this Consent Judgment.

63. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Judgment, whether or not caused by a force majeure event, the Town shall provide notice orally or by electronic or facsimile transmission to EPA, within 72 hours of when the Town first knew that the event might cause a delay. Within seven days thereafter, the Town shall provide in writing to the United States an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the Town's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of the Town, such event may cause or contribute to an endangerment to public health, welfare or the environment. The Town shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude the Town from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. The Town shall be deemed to know of any circumstance of which

the Town, any entity controlled by the Town, or the Town's contractors knew or should have known.

64. If EPA agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Judgment that are affected by the force majeure event will be extended by the United States for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. The United States will notify the Town in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

65. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, the United States will notify the Town in writing of its decision. The United States' position shall be binding unless the Town invokes Dispute Resolution under Section X.

66. If the Town elects to invoke the dispute resolution procedures set forth in Section X (Dispute Resolution), it shall do so no later than 30 Days after receipt of EPA's notice. In any such proceeding, the Town shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that the Town complied with the requirements of Paragraph 66, above. If the Town carries this

burden, the delay at issue shall be deemed not to be a violation by the Town of the affected obligation of this Consent Judgment identified to EPA and the Court.

X. DISPUTE RESOLUTION[tc \l1 "X. DISPUTE RESOLUTION]

67. Unless otherwise expressly provided for in this Consent Judgment, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Judgment. The Town's failure to seek resolution of a dispute under this Section shall preclude the Town from raising the lack of dispute resolution as a defense to an action by the United States to enforce any obligation of the Town arising under this Consent Judgment.

68. Informal Dispute Resolution. Any dispute subject to dispute resolution under this Consent Judgment shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when the Town sends the United States a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 60 Days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the United States shall be considered binding unless, within 30 Days after the conclusion of the informal negotiation period, the Town invokes formal dispute resolution procedures as set forth below.

69. Formal Dispute Resolution. The Town shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by delivery to the United States pursuant to Section XIV (Notices) a written Statement of Position regarding the

matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting the Town's position and any supporting documentation relied upon by the Town.

70. The United States shall serve its Statement of Position within 45 Days of receipt of the Town's Statement of Position. The United States' Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation relied upon by the United States. The United States' Statement of Position shall be binding on the Town, unless the Town files a motion for judicial review of the dispute in accordance with the following Paragraph.

71. The Town may seek judicial review of the dispute by filing with the Court and serving on the United States, in accordance with Section XIV (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 30 Days of receipt of the United States' Statement of Position pursuant to the preceding Paragraph. The motion shall contain a written statement of the Town's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Judgment.

72. The United States shall respond to the Town's motion within the time period allowed by the Local Rules of the United States District Courts for the Eastern District of New York ("Local Rules"). The Town may file a reply memorandum, to the extent permitted by the Court and the Local Rules.

73. Standard of Review.

a. Disputes Concerning Matters Accorded Record Review. Except as otherwise provided in this Consent Judgment, in judicial review of any dispute brought under Paragraph 67 pertaining to the adequacy or appropriateness of plans, procedures to implement plans, schedules or other items requiring EPA approval under this Consent Judgment, and all other disputes that are accorded review on the administrative record under applicable principles of administrative law, the Town shall have the burden of demonstrating, based on the administrative record, that the position of the United States is arbitrary and capricious or otherwise not in accordance with law.

b. Other Disputes. Except as otherwise provided in this Consent Judgment, in any other dispute brought under Paragraph 67, the Town shall bear the burden of demonstrating that its position complies with this Consent Judgment.

74. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of the Town under this Consent Judgment, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first Day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 58. If the Town does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section VIII (Stipulated Penalties).

XI. INFORMATION COLLECTION AND RETENTION[tc \l1 "XI. INFORMATION COLLECTION AND RETENTION]

[PAGE * MERGEFORMAT]

75. The United States and its representatives, including attorneys, contractors, and consultants, shall have the right of entry into the Landfill covered by this Consent Judgment, at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Consent Judgment;

b. verify any data or information submitted to the United States in accordance with the terms of this Consent Judgment;

c. obtain samples and, upon request, splits of any samples taken by the Town or its representatives, contractors, or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess the Town's compliance with this Consent Judgment.

76. Upon request, the Town shall provide EPA or its authorized representatives splits of any samples taken by the Town. Upon request, EPA shall provide the Town splits of any samples taken by EPA.

77. Until five years after the termination of this Consent Judgment, the Town shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to the Town's performance of its obligations under this Consent Judgment. This information-retention

requirement shall apply regardless of any contrary Town, corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the United States, the Town shall provide copies of any documents, records, or other information required to be maintained under this Paragraph.

78. At the conclusion of the information-retention period provided in the preceding Paragraph, the Town shall notify the United States at least 90 Days prior to the destruction of any documents, records, or other information subject to the requirements of the preceding Paragraph and, upon request by the United States, the Town shall deliver any such documents, records, or other information to the United States. The Town may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If the Town asserts such a privilege, it shall provide the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the name and title of each author of the document, record, or information; (4) the name and title of each addressee and recipient; (5) a description of the subject of the document, record, or information; and (6) the privilege asserted by the Town. However, no documents, records, or other information created or generated pursuant to the requirements of this Consent Judgment shall be withheld on grounds of privilege.

79. The Town may also assert that information required to be provided under this Section is protected as Confidential Business Information ("CBI") under 40 C.F.R. Part 2. As to any information that the Town seeks to protect as CBI, the Town shall follow the procedures set forth in 40 C.F.R. Part 2.

80. This Consent Judgment in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States pursuant to applicable federal laws, regulations, or permits, nor does it limit or affect any duty or obligation of the Town to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS[tc \l1 "XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS]

81. This Consent Judgment resolves the civil claims of the United States for the violations alleged in the Complaint filed in this action through the Effective Date.

82. The United States reserves all legal and equitable remedies available to enforce the provisions of this Consent Judgment, except as expressly stated in Paragraph ___. This Consent Judgment shall not be construed to limit the rights of the United States to obtain penalties or injunctive relief under the Act or implementing regulations, or under other federal laws, regulations, or permit conditions, except as expressly specified in Paragraph ___. The United States further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, the Landfill, whether related to the alleged violations addressed in this Consent Judgment or otherwise.

83. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, civil penalties, other appropriate relief relating to the Landfill or to the Town's alleged violations, the Town shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to Paragraph __.

84. This Consent Judgment is not a permit, or a modification of any permit issued or obtained pursuant to any federal, State, or local laws or regulations. The Town is responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits; and the Town's compliance with this Consent Judgment shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States does not, by its consent to the entry of this Consent Judgment, warrant or aver in any manner that the Town's compliance with any aspect of this Consent Judgment will result in compliance with provisions of the Act, its implementing regulations, or with any other provisions of federal, State, or local laws, regulations, or permits.

85. This Consent Judgment does not limit or affect the rights of the Town or of the United States against any third parties, not party to this Consent Judgment, nor does it

limit the rights of third parties, not party to this Consent Judgment, against the Town, except as otherwise provided by law.

86. This Consent Judgment shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Judgment.

XIII. COSTS[tc \l1 "XIII. COSTS]

87. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by the Town.

XIV. NOTICES[tc \l1 "XV. NOTICES]

88. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Judgment, they shall be made in writing and addressed as follows:

To the United States:

Diane C. Leonardo
Assistant United States Attorney
Eastern District of New York
610 Federal Plaza, Central Islip, New York 11722
via email: diane.beckmann@usdoj.gov

EES Case Management Unit
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-09884/1
via email: eescdcopy.enrd@usdoj.gov

To EPA:
NAME
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel, Air Branch
290 Broadway
New York, New York 10007-1866
via email:

Robert Buettner
Chief, Air Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866
via email:

To The Town:

Robert R. Tyson, Esq.
Bond, Schoeneck & King
One Lincoln Center
Syracuse, New York 13202-1355
via email:

89. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

90. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, unless otherwise provided in this Consent Judgment or by mutual agreement of the Parties in writing.

XV. EFFECTIVE DATE[tc \l1 "XVI. EFFECTIVE DATE]

91. The Effective Date of this Consent Judgment shall be the date upon which this Consent Judgment is entered by the Court or a motion to enter the Consent Judgment is

granted, whichever occurs first, as recorded on the Court's docket. In the event the United States withdraws or withholds consent to this Consent Judgment before entry, or the Court declines to enter the Consent Judgment, then the preceding requirement to perform duties scheduled to occur before the Effective Date shall terminate.

XVI. RETENTION OF JURISDICTION[tc \l1 "XVII. RETENTION OF JURISDICTION]

92. The Court shall retain jurisdiction over this case until termination of this Consent Judgment, for the purpose of resolving disputes arising under this Consent Judgment or entering orders modifying this Consent Judgment, pursuant to Sections X (Dispute Resolution) and XVIII (Modification), or effectuating or enforcing compliance with the terms of this Consent Judgment.

XVII. APPENDICES[tc \l1 "XVIII. APPENDICES]

93. The following appendices are attached to and part of this Consent Judgment:

Appendix A is the SO_2 Monitoring Plan described in Paragraph 22;

Appendix B is the Surface Methane Monitoring Protocol discussed in Paragraph 23;

Appendix C is the description of the SEP.

XVIII. MODIFICATION[tc \l1 "XIX. MODIFICATION]

94. The terms of this Consent Judgment, including the attached appendices, may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to this Consent Judgment, it shall be effective only

upon approval by the Court. Reasonable compliance schedule adjustment(s) requested by the Town for good cause shown and approved by EPA shall not constitute a material change to this Consent Judgment.

95. Any disputes concerning modification of this Consent Judgment shall be resolved pursuant to Section X of this Consent Judgment (Dispute Resolution), provided, however, that, instead of the burden of proof provided by Paragraph 73, the Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XIX. TERMINATION[tc \l1 "XX. TERMINATION]

96. After the Town has (a) satisfactorily complied with the compliance, and reporting requirements of Sections V and VII, for a period of three years, (b) completed the payment and SEP requirements of Sections IV and VI, and (c) paid any accrued stipulated penalties as required by this Consent Judgment, the Town may serve upon the United States a Request for Termination of the Consent Judgment. In that Request, the Town must state that it has satisfied all requirements of the Consent Judgment, together with all necessary supporting documentation.

97. Following receipt by the United States of the Town's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether the Town has satisfactorily complied with the requirements for termination of this Consent Judgment. If the United States agrees that the

Consent Judgment may be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Consent Judgment.

98. If the United States does not agree that the Consent Judgment may be terminated, the Town may invoke Dispute Resolution under Section X of this Consent Judgment. However, the Town shall not seek Dispute Resolution of any dispute regarding termination, under Paragraph 67, until 60 Days after service of their Request for Termination.

XX. PUBLIC PARTICIPATION[tc \l1 "XXI. PUBLIC PARTICIPATION]

99. This Consent Judgment shall be lodged with the Court for a period of not less than 30 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Judgment disclose facts or considerations indicating that the Consent Judgment is inappropriate, improper, or inadequate. The Town consents to entry of this Consent Judgment without further notice and agrees not to withdraw from or oppose entry of this Consent Judgment by the Court or to challenge any provision of the Consent Judgment, unless the United States has notified the Town in writing that it no longer supports entry of the Consent Judgment.

XXI. SIGNATORIES/SERVICE[tc \l1 "XXII. SIGNATORIES/SERVICE]

100. The undersigned representative of the Town, and the Deputy Section Chief for the Environmental Enforcement Section of the Environment and Natural Resources Division of the Department of Justice each certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Judgment and to execute and legally bind the Party he or she represents to this document.

101. This Consent Judgment may be signed in counterparts, and its validity shall not be challenged on that basis. The Town agrees to accept service of process by mail with respect to all matters arising under or relating to this Consent Judgment and to waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including service of a summons.

XXII. INTEGRATION[tc \l1 "XXIII. INTEGRATION]

102. This Consent Judgment constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Consent Judgment and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than the submissions that are subsequently made and approved pursuant to this Consent Judgment, no other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this Consent Judgment or the settlement it represents, nor shall it be used in construing the terms of this Consent Judgment.

XXIII. FINAL JUDGMENT[tc \l1 "XXIV. FINAL JUDGMENT]

103. Upon approval and entry of this Consent Judgment by the Court, this Consent Judgment shall constitute a final judgment of the Court as to the United States and the Town.

IT IS SO ORDERED:

_____ Dated: _____

United States District Judge

FOR PLAINTIFF UNITED STATES OF AMERICA

Dated: Washington, D.C.
___, 2018

_____
ELLEN M. MAHAN
Deputy Section Chief
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York
Attorney for Plaintiff
610 Federal Plaza
Central Islip, New York 11722

By: _____
DIANE C. LEONARDO
Assistant United States Attorney
631-715-7854

_____
ERIC SCHAAF
Regional Counsel, Region 2
United States Environmental Protection Agency

FOR THE TOWN OF BROOKHAVEN:

Dated:

_____

Town of Brookhaven

APPENDIX A

APPENDIX B

APPENDIX C

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 11/14/2018 3:48:33 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: FW: PRIVILEGED AND CONFIDENTIAL
Attachments: [Comparison Result] SYRNY1-#3233605-v5-Brookhaven_CD_-_10-1-18_DOJ_draft_with_Town_revisions-1.docx; [Modified Document] Brookhaven CD - 10-1-18 DOJ draft with Town revisions.docx

Ex. 5 AC/AWP

Thank you.

From: Robbins, Virginia <robbinv@bsk.com>
Sent: Wednesday, November 14, 2018 10:46 AM
To: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <tysonr@BSK.com>; Christopher Andrade <candrade@brookhavenny.gov>
Subject: PRIVILEGED AND CONFIDENTIAL

Dear Diane and Damaris,
Please find attached a clean and redline copy of the Town of Brookhaven's 11/14/18 proposed revisions to the October 1, 2018 version of the Consent Judgment provided by Diane.
The redline shows the changes we are proposing to the October 1 version.

I would like to review with you our proposed revisions and suggest we schedule a conference call for that purpose.
If you could provide me with a couple of dates and times for a call, I will check schedules with the Town.
Thank you, Ginny

Virginia C. Robbins, Esq.
Environmental and Energy Practice Group
315.218.8182 Direct
315.218.8000 Alt
315.218.8100 Fax
315.569.4538 Cell
vrobbins@bsk.com
Bio

BOND SCHOENECK & KING ATTORNEYS
Commitment · Service · Value · Our Bond
One Lincoln Center, Syracuse, NY 13202-1355
This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message.

Message

From: Simpson, James [Simpson.James@epa.gov]
Sent: 3/10/2017 8:08:30 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject:
Attachments:

Ex. 5 AC/AWP

Hello All,

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 2/17/2017 7:42:43 PM
To: Simpson, James [Simpson.James@epa.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Brookhaven.CJ.Draft 1.13.17.docx
Attachments: Brookhaven.CJ.Draft 1.13.17.docx

Ex. 5 AC/DP

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 8/12/2019 3:25:51 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: FW: Brookhaven Ex. 5 AC/DP

Call in

From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Monday, August 12, 2019 10:44 AM
To: McHale, Mary <McHale.Mary@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Leong, Denise <Leong.Denise@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject Ex. 5 AC/DP

Ex. 6 Personal Privacy (PP)

Ex. 5 AC/DP

Scheduled: Monday, Aug 12, 2019 from 11:30 AM to 12:00 PM
Location: Conference line (347)-384-7287 code 303751
Invitees: McHale, Mary, Cardile, Joseph, Villatora, Liliana, Urdaz, Damaris, Leong, Denise, LaVigna, Gaetano

Robert Buettner,
Chief, Air Compliance Branch
US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007
buettner.robert@epa.gov
(212) 637 5031
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Message

From: Simpson, James [Simpson.James@epa.gov]
Sent: 2/17/2017 4:20:06 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: RE: Brookhaven Call
Attachments: Brookhaven.CJ.Draft 1.13.17.docx

I think this is it.

From: Ritz, Phillip
Sent: Friday, February 17, 2017 10:37 AM
To: Simpson, James <Simpson.James@epa.gov>
Subject: RE: Brookhaven Call

Hi Jay, can you resent the latest Brookhaven? I don't have a recent copy to work on

---

From: Simpson, James
Sent: Friday, February 17, 2017 9:26 AM
To: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: RE: Brookhaven Call

No call-in, but we'll patch you in from Robert's office. Should we call your office line?

From: Ritz, Phillip
Sent: Wednesday, February 15, 2017 5:08 PM
To: Simpson, James <Simpson.James@epa.gov>
Subject: RE: Brookhaven Call

Is there a call in number for the DOJ call on Brookhaven? I can dial in from home.

-----Original Appointment-----
From: Simpson, James
Sent: Wednesday, February 15, 2017 11:10 AM
To: Simpson, James; Beckmann, Diane (USANYE); Buettner, Robert; LaVigna, Gaetano; Ritz, Phillip
Subject: Brookhaven Call
When: Friday, February 17, 2017 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Robert's office

Ex. 5 AC/AWP/DP

Diane – we will call you.

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 4/5/2019 3:14:03 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: RE: Brookhaven

Ex. 5 AC

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Friday, April 5, 2019 11:09 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: RE: Brookhaven

Ex. 5 AC

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, April 05, 2019 11:06 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Brookhaven

Ex. 5 AC

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
Sent: 4/5/2019 3:12:35 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Friday, April 5, 2019 11:09 AM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Villatora, Liliana <Villatora.Liljana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, April 05, 2019 11:06 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Sent: 4/5/2019 3:08:47 PM
To: Beckmann, Diane (USANYE) [Diane.Beckmann@usdoj.gov]
CC: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: Ex. 7(A)

Ex. 5 AC

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Friday, April 5, 2019 11:06 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: Ex. 7(A)

Ex. 5 AC

Diane

Diane C. Leonardo
Assistant United States Attorney
Deputy Chief, Long Island Civil Division
610 Federal Plaza
Central Islip, New York 11722

631-715-7854
Email: Diane.beckmann@usdoj.gov

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 3/26/2019 9:07:29 PM
To: Urdaz, Damaris [Urdaz.Damaris@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]
CC: Ritz, Phillip [Ritz.Phillip@epa.gov]
Subject: RE: Brookhaven
Attachments: ENV_ENFORCEMENT-#2799917-v1-BROOKHAVEN_CJ_19_3_18_mg gl.DOCX

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Urdaz, Damaris
Sent: Friday, March 22, 2019 9:38 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: RE: Brookhaven

Ex. 5 AC/AWP

From: LaVigna, Gaetano
Sent: Thursday, March 21, 2019 8:45 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: RE: Brookhaven

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Urdaz, Damaris
Sent: Thursday, March 21, 2019 8:39 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: FW: Brookhaven

Ex. 5 AC/AWP

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Thursday, March 21, 2019 8:38 AM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: RE: Brookhaven

Ex. 5 AC/AWP

From: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Sent: Wednesday, March 20, 2019 1:47 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: RE: Brookhaven

From: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>
Sent: Monday, March 18, 2019 3:18 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Subject: FW: Brookhaven

Hi Damaris-

Ex. 5 AC/AWP

Thanks,
Diane

From: Gallagher, Mark (ENRD) <MGallagher@ENRD.USDOJ.GOV>
Sent: Monday, March 18, 2019 12:40 PM
To: Beckmann, Diane (USANYE) <DBeckmann@usa.doj.gov>
Subject: Brookhaven

Ex. 5 AC/AWP

m

Message

From: Buettner, Robert [Buettner.Robert@epa.gov]
Sent: 5/19/2017 7:54:33 PM
To: Simpson, James [Simpson.James@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: RE: Brookhaven CD - DUE DATE

Jay,

Ex. 5 AC/AWP

Robert

Robert Buettner
Chief, Air Compliance Branch

US EPA Region 2 DECA/ACB
290 Broadway, 21st Floor
New York NY 10007

buettner.robert@epa.gov
(212) 637 5031

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From: Simpson, James
Sent: Friday, May 19, 2017 11:53 AM
To: Buettner, Robert <Buettner.Robert@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>
Subject: Brookhaven CD - DUE DATE
Importance: High

Hello folks,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Message

From: Simpson, James [Simpson.James@epa.gov]
Sent: 5/19/2017 3:52:48 PM
To: Buettner, Robert [Buettner.Robert@epa.gov]; LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Ritz, Phillip [Ritz.Phillip@epa.gov]
CC: Villatora, Liliana [Villatora.Liliana@epa.gov]
Subject: Brookhaven CD - DUE DATE
Attachments: Brookhaven.CJ.Draft 5.7.17.docx

Importance: High

Hello folks,

Ex. 5 AC/AWP

Regards,
Jay

James L. Simpson
Assistant Regional Counsel
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, New York 10007
212-637-3245 (direct)
Simpson.James@epa.gov

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Please consider the environment before printing this email.

Message

From: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]
Sent: 2/14/2019 6:53:26 PM
To: Ritz, Phillip [Ritz.Phillip@epa.gov]; Urdaz, Damaris [Urdaz.Damaris@epa.gov]
Subject: RE: PRIVILEGED AND CONFIDENTIAL
Attachments: Modified Document Brookhaven CD - 12-18-18 revisions.docx

Ex. 5 AC/AWP

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Email LaVigna.Gaetano@epa.gov

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From: Ritz, Phillip
Sent: Thursday, February 14, 2019 1:43 PM
To: Urdaz, Damaris <Urdaz.Damaris@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Subject: FW: PRIVILEGED AND CONFIDENTIAL

Ex. 5 AC/AWP

From: Urdaz, Damaris
Sent: Wednesday, November 14, 2018 10:49 AM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ritz, Phillip <Ritz.Phillip@epa.gov>
Subject: FW: PRIVILEGED AND CONFIDENTIAL

Ex. 5 AC/AWP

Thank you.

From: Robbins, Virginia <robbinv@bsk.com>
Sent: Wednesday, November 14, 2018 10:46 AM
To: Beckmann, Diane (USANYE) <Diane.Beckmann@usdoj.gov>; Urdaz, Damaris <Urdaz.Damaris@epa.gov>
Cc: Kevin Johnston <kjohnston@brookhavenny.gov>; Michael J. Cahill <MJC@GermanoCahill.com>; Tyson, Robert <tysonr@BSK.com>; Christopher Andrade <candrade@brookhavenny.gov>
Subject: PRIVILEGED AND CONFIDENTIAL

Dear Diane and Damaris,
Please find attached a clean and redline copy of the Town of Brookhaven's 11/14/18 proposed revisions to the October 1, 2018 version of the Consent Judgment provided by Diane.
The redline shows the changes we are proposing to the October 1 version.