

McComb, Martin

From: McComb, Martin
Sent: Wednesday, September 29, 2021 4:45 PM
To: Brad Brown
Cc: Piggott, Amelia; Peronard, Paul
Subject: Re: EPA Access to Bauer Tailings Site

Mr. Brown,

I can work to make myself available tomorrow (Thursday) afternoon. What time?

I can cover questions related to the scope of the work. If you want to continue exploring liability protection, I will need to have EPA's Site Attorney present.

Are you represented? If so, can you have your legal council present as well?

Marty

On Sep 29, 2021, at 2:34 PM, Brad Brown <brad@allamericanlabel.net> wrote:

Let's just do another call.....tomorrow afternoon I can make some time, or Friday 1 ish

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On Sep 29, 2021, at 9:08 AM, McComb, Martin <McComb.Martin@epa.gov> wrote:

Hi Mr. Brown,

We haven't heard back from you after Amelia Piggott's September 17 email regarding access to the Site. As she noted, we cannot provide a letter indicating that you are without liability. However, we are happy to talk with you about liability issues at the Site and how they could be resolved.

In the more immediate future though, we need access to the Site to begin addressing the releases of hazardous substances. I'm re-attaching the consent for access form, which we need signed and returned as soon as possible. If I haven't received it by Friday, October 1, EPA will consider access denied, and look to available options under

CERCLA to obtain access. Those options could include issuing an administrative order or securing a warrant from the appropriate court.

We prefer to obtain access voluntarily. If another phone call would be helpful, I'm happy to participate, please just let me know when would be a convenient time for you.

Thanks,

Marty McComb
Federal On-Scene Coordinator
USEPA Region 8 Response Section
720-413-9190

<R8 Consent for Access.pdf>