




Rich Leukroth/DC/USEPA/US  
06/08/2005 02:39 PM

To "Menotti, David E." <david.menotti@pillsburylaw.com>  
cc Gautam Srinivasan/DC/USEPA/US@EPA  
MaryEllen Weber/DC/USEPA/US; Jim Willis/DC/USEPA/US;  
Greg Schweer/DC/USEPA/US; Daver  
bcc Williams/DC/USEPA/US; Cathy  
Fehrenbacher/DC/USEPA/US  
Subject Re: incineration ECA 

Thanks for the clarification David. We felt it better to have you clarify your intent rather than make assumptions.

In response... yes, the "hard copies" of the ECAs are the official versions of the ECA. For your reference, my e-mail to you dated January 7, 2005 and our letter to the Signatory Companies dated January 10, 2005 lists the contents of the "hard copies" of the ECAs.

The changes to Table 1 in the Federal Register notice do not in any way change the terms of the ECA. The format revisions to Table 1 were made at the request of the Office of the Federal Register. EPA suggested making a similar change early in the Thermal Generation ECA development process to facilitate preparation of the Federal Register notice announcing the Order once agreement is reached for a Thermal Generation ECA.

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"Menotti, David E."  
<david.menotti@pillsburylaw.com>  
06/08/2005 01:27 PM

To Rich Leukroth/DC/USEPA/US@EPA  
cc Gautam Srinivasan/DC/USEPA/US@EPA  
Subject Re: incineration ECA

Rich:

The word "are" should have appeared in the sentence you quote between the words "the companies" and "the ECAs". In any event, I believe that my meaning was clear: that the "hard copies" are the ECAs, and that any differences between the "hard copies" and the published versions are of no force and effect.

David E. Menotti

202-663-8675

**Leukroth.Rich@epamail.epa.gov**

06/08/2005 01:08 PM

To: David Menotti/SPPT/US@SPPT

cc: Srinivasan.Gautam@epamail.epa.gov@SMTP@Exchange

Subject: Re: incineration ECA

David-

We can certainly explain the changes that were needed for the Federal Register notice, but first, there is one aspect of your message that is not quite clear. In the last sentence of your e-mail you state, "Needless to say, our position will be that the "hard copies" of each ECA (fluoropolymer and telomer) that were signed by the companies the ECAs, and any changes in the FR published versions are of no force and effect." As written, this sentence suggests that if EPA makes changes to Table 1 in the FR, the companies will assert that the "hard copies" of the ECAs will be of no force and effect. We assume there is missing language and that you instead intend to assert that the "hard copies" of the ECAs will be the official version and that any changes to Table 1 in the FR are of no force and effect. If you could please clarify the

meaning of the last sentence of your e-mail, we can then provide a response. Thank you very much.

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David Menotti

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To

Rich Leukroth/DC/USEPA/US@EPA

06/07/2005 11:59

cc

AM

Gautam Srinivasan/DC/USEPA/US@EPA

Subject

incineration ECA

Rich:

I heard from one of the FMG representatives on the generation ECA working group that you had reported that it had been necessary to do something to Table 1 in the incineration ECA to satisfy the Federal Register people. In light of how careful you guys have been not to change even so much as a comma in the incineration ECA packages without

the concurrence of the signatory parties, I was a little surprised to hear this. Please elaborate. Needless to say, our position will be that the "hard copies" of each ECA (fluoropolymer and telomer) that were signed by the companies the ECAs, and any changes in the FR published versions are of no force and effect.

David E. Menotti

202-663-8675

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