

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 10/25/2017 2:42:57 PM
To: Genovese, Robert (BP) [Robert.Genovese@bp.com]
Subject: RE: DOJ Amicus Brief for Christian v. Atlantic Richfield Company

Just to close the loop, I did have a discussion with our Deputy General Counsel, David Fotouhi and Assistant Attorney General Jeff Wood. They are aware of the concern and at this point have no immediate action but are continuing to review.

Albert Kelly
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1200 Pennsylvania Avenue, NW
Washington, DC 20460

Ex. 6

From: Genovese, Robert (BP) [mailto:Robert.Genovese@bp.com]
Sent: Tuesday, October 24, 2017 4:25 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Kelly, Albert <kelly.albert@epa.gov>
Subject: DOJ Amicus Brief for Christian v. Atlantic Richfield Company

Doug,

It was a pleasure to talk with you today. As a follow up to our conversation, I have attached the amicus briefs that the DOJ filed in the Christian v. Atlantic Richfield litigation with the Montana Supreme Court. DOJ filed an initial amicus brief dated November 15, 2016. This is a well written brief that explains the issues of concern for the EPA. Subsequently, the DOJ submitted a shorter version dated December 8, 2016 in order to comply with a 5000 word limit.

I suggest that you read the brief dated November 15, 2016 since it provides a more fulsome explanation of why the DOJ opposes the landowners' claim for restoration damages.

The brief was submitted by Matt Oakes, who also argued the DOJ's points before the Montana Supreme Court in April, 2017. Paul Logan and Andy Lensink supported this effort for EPA Region 8 legal team.

Let me know if I can provide any additional information. Separately, I will contact your office to schedule a meeting in Denver to discuss ideas to progress the Montana superfund sites.

Best Regards,

Bob Genovese

President
Atlantic Richfield Company
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Phone Ex. 6