

## Elizabeth J. Hubertz

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**From:** Jim Lowery [Lowery@smithlewis.com]  
**Sent:** Monday, August 19, 2013 2:29 PM  
**To:** Elizabeth J. Hubertz; Maxine Lipeles  
**Cc:** Mike Tripp; Byrne, Thomas M  
**Subject:** RE: EA-2012-0281 - Exhibits

Liz

You don't need to go to the trouble to get the TVA certification – we'll waive non-relevance objections.

As for the levee document, it should not have been on our list.

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**From:** Elizabeth J. Hubertz [mailto:[ejhubertz@wulaw.wustl.edu](mailto:ejhubertz@wulaw.wustl.edu)]  
**Sent:** Monday, August 19, 2013 12:00 PM  
**To:** Jim Lowery; Maxine Lipeles  
**Cc:** Mike Tripp; Byrne, Thomas M  
**Subject:** RE: EA-2012-0281 - Exhibits

Hi Jim –

Thank you very much for your client's agreement below. We greatly appreciate your courtesy.

I wanted to point out one item on the chart below. In getting Intervenor's response ready this weekend, I saw that the document "So, You Live Behind a Levee!" was not written by the US Army Corps of Engineers, but by the non-governmental American Society of Civil Engineers, (although it looks like the Corps, FEMA and

Homeland Security may have had some input into the contents). Does this document remain on your list below?

Also, we are planning to get certification of the document from the TVA Office of the Inspector General that was included in Exhibit C -- Final Report -- Inspection 2009-12991 TVA's Groundwater Monitoring at Coal Combustion Products Disposal Areas (TVA Office of the Inspector General, June 21, 2011). We don't want to push our luck, but since this is a government document, would your client consider waiving non-relevance objections to this document as well? Let me know.

Thank you again.

Liz

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**From:** Jim Lowery [<mailto:Lowery@smithlewis.com>]  
**Sent:** Monday, August 12, 2013 7:07 PM  
**To:** Elizabeth J. Hubertz; Maxine Lipeles  
**Cc:** Mike Tripp; Byrne, Thomas M  
**Subject:** EA-2012-0281 - Exhibits

Liz, Maxine

Given the law in Missouri you pointed to regarding documents from sister states/the federal government, we don't see any sense in making you jump through the hoops of getting the EPA (for example) to certify certain documents. We aren't waiving our relevance objections to the following, but agree that if you got the certification otherwise the following documents would come in so we will withdraw our non-relevance objections to them without the necessity of you getting the certifications (sorry we were slow getting back to you on this – travel and folks we needed to talk to about this being out-of town delayed us):

EXH.	Document
	(We are agreeing to waive the need for certification to only those specific documents listed below even though the particular exhibit may contain other documents)
C	EPA: "Coal Combustion Waste Damage Case Assessments"
F	Illinois EPA: various "Violation Notice" and "Notice of Intent to Pursue Legal Action" at Ameren sites.
G	EPA: "Next Steps for Area Designations and Implementation of the Sulfur Dioxide National Ambient Air Quality Standard"
H	U.S. Corp of Engineers: "So, You Live Behind a Levee!"
H	FEMA: "Living Behind Levees"
T	Illinois EPA: "Notice of Violation" at Ameren sites in Illinois.
BB	EPA: "Inhalation of Fugitive Dust: A Screening Assessment of the Risks Posed by Coal Combustion Waste Landfills"
CC	EPA: "Administrative Consent Order" re: Rotary Drilling Supply, Inc.

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