

From: [Goldman, Andrew](#)
To: [Lisa, Joseph](#); [Esposito, Bevin](#)
Cc: [Heywood Becker](#)
Subject: FW: FW: Chem Fab Lien Hearing - TM on Chem Fab Request for Extension of Time
Date: Friday, June 05, 2020 8:03:13 AM

Dear Regional Judicial Officer Lisa—

Below find representations from Turog which satisfy EPA in connection with Turog's request for a 45-day extension of time in this matter. Accordingly, EPA does not oppose Turog's request. I assume this obviates the need for the 10am Teams call today but I will sign in unless I receive a contrary indication from Your Honor.

Andrew Goldman

ANDREW S. GOLDMAN (3RC10)

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From: Heywood Becker <yalephd1970@gmail.com>
Sent: Thursday, June 4, 2020 9:15 PM
To: Goldman, Andrew <Goldman.Andrew@epa.gov>
Subject: Re: FW: Chem Fab Lien Hearing - TM on Chem Fab Request for Extension of Time

Turog will not:
Sell or convey any portion of the Site, and
Collateralize the Site for any future debt, and
Has not gone bankrupt, and has no current intention of doing so, and
Intends to pay the real estate taxes due to preclude a tax sale of the Site, and
Has interviewed potential counsel, and intends to formally retain counsel within days.

On Thu, Jun 4, 2020 at 12:30 PM Goldman, Andrew <Goldman.Andrew@epa.gov> wrote:

Mr. Becker—See below. The RJO awaits your response. We can avoid tomorrow's conference call if you notify the RJO and myself that:

1. By June 8 Turog will provide written certification to the RJO and myself that:

- a. It has not taken steps to sell or otherwise transfer any portion of the property upon which EPA seeks to perfect the lien (“Property”) since receiving EPA’s July 1, 2019 notice of intent to perfect the lien (“Lien Notice”), and will not take any such steps until the EPA Region 3 Regional Counsel makes a decision whether to perfect the lien;
 - b. It has not engaged in activity that could undermine the value of EPA’s lien including, but not limited to, mortgaging the Property or otherwise using the Property as collateral for debt, since receiving the Lien Notice and will not do so until the EPA Region 3 Regional Counsel makes a decision whether to perfect the lien;
 - c. It has not filed for bankruptcy protection and has no current intention of doing so; and
 - d. It has paid all real estate taxes owed for the Property and that it intends to pay such taxes in the future at least until the EPA Region 3 Regional Counsel makes a decision whether to perfect the lien; and
2. By June 8 you provide written notice to the RJO and myself via email that Turog will, no less often than every seven calendar days of the date the RJO approves an extension of time, notify the RJO and myself of Turog’s progress in retaining counsel for this matter.

If Turog provides these assurances today instead of waiting until June 8 I can tell the RJO today that EPA agrees to your requested 45-day extension and the RJO will issue an order.

ANDREW S. GOLDMAN (3RC10)

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From: Lisa, Joseph <Lisa.Joseph@epa.gov>
Sent: Wednesday, June 3, 2020 10:28 AM
To: Goldman, Andrew <Goldman.Andrew@epa.gov>; Esposito, Bevin <Esposito.Bevin@epa.gov>; Heywood Becker <yalephd1970@gmail.com>
Subject: RE: Chem Fab Lien Hearing - TM on Chem Fab Request for Extension of Time

Dear Mr. Goldman

Thank you for your email.

I also want to thank you and Mr. Becker for your professionalism in resolving this matter on your own initiative.

I await Mr. Becker's confirming email.

Once I have received Mr. Becker's email I will cancel the notice scheduling a Microsoft Teams Meeting and issue an Order concerning the request for an extension of time.

Thank you again

Joseph J. Lisa

Joseph J. Lisa
Regional Judicial Officer/Presiding Officer
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From: Goldman, Andrew <Goldman.Andrew@epa.gov>
Sent: Wednesday, June 03, 2020 10:23 AM
To: Lisa, Joseph <Lisa.Joseph@epa.gov>; Esposito, Bevin <Esposito.Bevin@epa.gov>; Heywood Becker <yalephd1970@gmail.com>
Subject: RE: Chem Fab Lien Hearing - TM on Chem Fab Request for Extension of Time

Dear Regional Judicial Officer Lisa—

This email responds to your invitation for a Microsoft Teams meeting this Friday at 10am to discuss Turog's request for an extension of time. I will accept the invitation via Outlook but wanted to advise Your Honor that Mr. Becker and I spoke yesterday, that Mr. Becker indicated that Turog is willing to meet EPA's conditions for agreement with the extension, and that Mr. Becker would supply the written certifications requested by EPA by June 8, 2020. I advised Mr. Becker that EPA would agree to the requested extension upon receipt of the certifications and Turog's commitment to inform Your Honor and myself on a weekly basis of Turog's efforts to retain counsel.

I invite Mr. Becker to concur with my recitation of our conversation or point out any inaccuracy.

ANDREW S. GOLDMAN (3RC10)

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-----Original Appointment-----

From: Lisa, Joseph <Lisa.Joseph@epa.gov>
Sent: Wednesday, June 3, 2020 10:09 AM
To: Goldman, Andrew; Esposito, Bevin; Heywood Becker
Subject: Chem Fab Lien Hearing - TM on Chem Fab Request for Extension of Time
When: Friday, June 5, 2020 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Mr. Becker and Mr. Goldman

I hope you are both well.

I would like to hold a Microsoft Teams Meeting this Friday morning to discuss Chem-Fab's request for an extension of time in order to obtain an attorney concerning the pending lien hearing matter.

If the date and/or time is inconvenient, please advise as to your availability. I would prefer to hold this meeting on this Friday, June 5, 2020, rather than reschedule for next week.

As always, please copy all parties on any message or communication you have with my office.

Thank you

Joseph Lisa
Regional Judicial and Presiding Officer
EPA Region III

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