Message

From: Johnson, KarenD [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46CEA12EF12D486FBB7DBAC57D947095-KJOHNS10]
Sent: 3/1/2016 8:13:55 PM
To: Kier, Lori [Kier.Lori@epa.gov]; Clark, Jacqueline [clark.jacqueline@epa.gov]
Subject: FW: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott
Attachments: letter to Mayor Borge_Feb 26 draft.docx; PFOA_QsandAs_Combined_R2 and OECA_022616.docx

They took the **Ex. 5 AC/AWP/DP**

From: Kelley, Rosemarie
Sent: Tuesday, March 01, 2016 3:10 PM
To: Rodrigues, Cecil
Cc: Field, Stephen ; Coe, Mary ; Jamieson, Cheryl ; Theis, Joseph ; Clark, Jacqueline ; Johnson, KarenD ; Kier, Lori ; Thurmon, Clarke
Subject: RE: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

Attached are the draft letter to Mayor Borge and OECA's comments on the PFOA Q&As.

Rosemarie

From: Rodrigues, Cecil
Sent: Tuesday, March 01, 2016 3:07 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Field, Stephen <Field.Stephen@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>; Kier, Lori <Kier.Lori@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>
Subject: Re: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

It would be helpful to see both.

Sent from my iPhone

Cecil Rodrigues

On Mar 1, 2016, at 3:05 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

> Cecil -
>
> Understood.
>
> We have exchanged many emails today with all of the various groups working on the various letters, so I am just trying to make sure everyone is on the same page about where we are in the process.
>
> Would it help you to see R2's proposed response to the Mayor of Hoosick Falls?
>
> Also did you see OECA's comments on the Administrator's Q&A document? If not, I can send them to you.
>
> Rosemarie

From: Rodrigues, Cecil
Sent: Tuesday, March 01, 2016 1:28 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Field, Stephen <Field.Stephen@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>; Kier, Lori <Kier.Lori@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>
Subject: Re: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

Rosemarie as we discussed yesterday. I am trying to edit the OPA language to share a draft with THE RA. Will get back to you as soon as possible.

Sent from my iPhone

Cecil Rodrigues

On Mar 1, 2016, at 1:25 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

> Thanks for letting me know.
>
> Just FYI -- After Bob and Shawn confer, we still have the step of checking in with the Administrator's office. They want to see all of the responses (R2, R4, R3/5) at the same time to ensure consistency.
>
> Rosemarie
>
> **From:** Field, Stephen
> **Sent:** Tuesday, March 01, 2016 1:21 PM
> **To:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
> **Cc:** Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>; Kier, Lori <Kier.Lori@epa.gov>
> **Subject:** FW: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott
>
> A draft of the letter went to Shawn Friday; he indicated he wanted to check in with Bob Kaplan and others before the letter becomes final.
>
> **From:** Kelley, Rosemarie
> **Sent:** Tuesday, March 01, 2016 1:05 PM
> **To:** Clark, Jacqueline <clark.jacqueline@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>
> **Cc:** Theis, Joseph <Theis.Joseph@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>; Kier, Lori <Kier.Lori@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>
> **Subject:** RE: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott
>
> I spoke with Cecil Rodriguez yesterday about the status of Region 3's response. He thought that it was close, but he still needed to check in with the RA (who is on travel)

to make sure he's comfortable with the current draft. I did not realize that Region 5 was still reviewing that draft. Have the two regions discussed the process for getting to a final letter, given the simultaneous review?

Rosemarie

From: Clark, Jacqueline
Sent: Tuesday, March 01, 2016 12:54 PM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>; Kier, Lori <Kier.Lori@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>
Subject: RE: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

Hi Clarke - You can add two additional communications to your list. First, attached, is the 2/16/16 letter from Mr. Bilott to the Administrator, and second, pasted below, an email from Mr. Bilott on 1/29/16 to Region 3, Region 5, and West Virginia. My understanding is per discussions between the R3 RA and Joel Beauvais, that R3 and R5 are drafting a joint response to both the letter to the Administrator and the below email from Mr. Bilott. I will provide an update on where we are with review of the draft for R5 as soon as possible. Lori or Karen will need to respond for R3 regarding status of review of the draft in R3.

Thanks-Jacquie

From: "Bilott, Robert A." <bilott@taftlaw.com>
To: "Kaplan, Robert" <kaplan.robert@epa.gov>, "Garvin, Shawn" <garvin.shawn@epa.gov>, "Randy.C.Huffman@Wv.Gov" <Randy.C.Huffman@Wv.Gov>, "Klassman, Debra" <klassman.debra@epa.gov>, "Kier, Lori" <Kier.Lori@epa.gov>
Subject: FW: In the Matter of: E.I. du Pont de Nemours and Comapny (Docket Nos: SDWA-03-2009-0127 DS/ SDWA-05-2009-0001)
Ladies and Gentlemen:

Given the updated guidance released by US EPA last night (attached) referencing a 0.1 ppb action level for PFOA in human drinking water, we repeat the request we made over a year ago (as set forth in our attached letter) that steps be taken immediately to insure that the 2009 Consent Order referenced in our letter is modified accordingly to reference and incorporate the new 0.1 ppb guideline and that all appropriate parties are and/or remain bound by its terms. (According to EPA's earlier response (also attached), such actions would be considered when such a new guidance number was released.) We also request that any water supply previously tested or to be tested under that Consent Order with results at or above 0.1 ppb that is not already being treated to remove any such PFOA be addressed accordingly. Thank you.

Rob Bilott

Jacqueline Clark

Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Direct: (312) 353-4191
Fax: (312) 385-5474
email: clark.jacqueline@epa.gov

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From: Thurmon, Clarke
Sent: Tuesday, March 01, 2016 11:40 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>; Kier, Lori <Kier.Lori@epa.gov>
Subject: RE: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

PFOAers,

Well, now I may a bit confused.

Perhaps, it might be helpful to have a complete list of all the letters received from the various interests (e.g., Mr. Bilott, NYDOH, etc.) along with who the various letters are addressed to so we are not missing something.

Here are the letters I know about:

1) *NY DEC Letter* - Addressed to: **Region 2**

2) *Mr. Bilott Letter* - Addressed to Mayor Borge/NYDOH (cc:ed - **Region 2**)

3) *Giattina Letter* - Addressed to: **Region 4**

4) *Mr. Bilott Letter* - Addressed to: **Region 4**

Jacquie and Lori - can you add the letters and emails that you are aware of on this issue?

Thanks,
Clarke

Clarke Thurmon, Attorney
Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Phone: (202) 564-5587
Fax: (202) 564-0024

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From: Burneson, Eric
Sent: Tuesday, March 01, 2016 12:11 PM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>; Johnson, KarenD <Johnson.KarenD@epa.gov>
Subject: RE: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

Regions 3 and 5 are collaborating on that letter. I think Region 3 has the pen between the two of the Regions. Copying Jacqueline and Karen to confirm.

From: Thurmon, Clarke
Sent: Tuesday, March 01, 2016 11:56 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: PFOA Response Letter -- re: Letter sent to Administrator from Mr. Bilott

Eric and Travis,

Hello again.
I have another PFOA-related question for you two.

- Do either of you know who/which office might currently have the pen on the letter responding to the correspondence sent to the Administrator from Mr. Bilott?

Thanks,
Clarke

Clarke Thurmon, Attorney
Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

Phone: (202) 564-5587
Fax: (202) 564-0024

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From: Burneson, Eric
Sent: Tuesday, March 01, 2016 11:28 AM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>
Subject: RE: PFOA Response Letters - 1) Region 4 to Mr. Bilott, and 2) Region 2 to Mayor Borge

Clarke:

Attached please find OW comments on the draft letters to Mr. Bilott and Mayor Borge. These comments reflect input from Joel Beauvais and incorporate more recent language about how we have been characterizing our ongoing work on the health advisories. Please note that Travis will be coordinating with OPA.

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water
US Environmental Protection Agency

Phone: 202-564-5250
Fax: 202 564 3760

From: Thurmon, Clarke
Sent: Monday, February 29, 2016 3:15 PM
To: Loop, Travis <Loop.Travis@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Subject: PFOA Response Letters - 1) Region 4 to Mr. Bilott, and 2) Region 2 to Mayor Borge
Importance: High

Eric and Travis,

Hello.
In an effort to get the two attached Response Letters sent out as soon as possible, can I ask you both to review and comment on the above attachments and get any comments back to me by COB?

I have been asked to get these documents to the Administrator's Public Affairs office for comment prior to sending, which I will do after I hear back from you two.

Note:
Another letter will follow in the next day or so. It is a Response Letter from Regions 3/5 to Mr. Bilott.

I appreciate your flexibility on this fast moving issue.

Thanks,
Clarke

Clarke Thurmon, Attorney
Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Phone: (202) 564-5587
Fax: (202) 564-0024

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