Message

From: Mugdan.Walter@epamail.epa.gov [Mugdan.Walter@epamail.epa.gov]
Sent: 11/30/2010 1:30:28 PM
To: Bob Sussman [Sussman.Bob@epamail.epa.gov]
BCC: Mugdan.Walter@epamail.epa.gov
Subject: Fw: FYI: NRDC Blog on Hudson River Cleanup

Bob,

Judith suggested I clarify further that we provide these documents to the NGOs under the terms of a judicial consent decree from several years ago, and an ongoing FOIA request.

- Walter
Sent by EPA Wireless E-Mail Services

From: Walter Mugdan
Sent: 11/29/2010 03:43 PM EST
To: Bob Sussman
Cc: Benny Conetta; Elliott Gilberg; Judith Enck; fischer.douglas@epa.gov; Doug Garbarini; James Woolford; king.david@epa.gov; Gary Klawinski; Lisa Feldt; Pavlou.George@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov; Elizabeth Southerland; wmichaelmccabe@earthlink.net
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Sorry -- I should have been clearer. We have shared with the NGOs all nearly all documents that we have exchanged with GE. Specifically, we have given the NGOs all of EPA's markups of the Consent Decree Attachments and the Engineering Performance Standards (totaling hundreds of pages). We have also forwarded to the NGOs all of GE's proposed markups of those documents, which GE submitted to EPA with the request that they become part of our Administrative Record. These are the documents that Larry Levine refers to in his blog.

The most recent document we shared with the NGOs is the Resuspension and Load write-up that I referred to in my earlier e-mail; we sent it to GE this morning and to the NGOs this afternoon. (This issue is one we haven't spent much time discussing with the NGOs as yet.)

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:29 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

You note that you will share our resuspension and load proposal with the NGOs. Have we been sharing all our proposals with them? If not, why this one?

Btw, I just got a call from Brackett. He noted that Immelt is again calling the Administrator (in fact he has already placed the call) and will repeat that GE is at or close to its "bottom line."

Brackett also said that GE's analysis of Phase 1 capping is different from ours -- i.e. GE says that total avoidable capping

was 25 percent during and unavoidable capping was 12 percent. He indicated that these numbers will be discussed at this afternoon's meeting with the company.

Finally, Brackett reported that GE agrees to make an opt-in decision by January 10 if we transmit our 15b package on December 13. Walter, do you want to confirm in writing?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

When last we met with the NOGs on November 2 I explained the basic framework of how we expect to organize Phase 2. I explained that some capping is nearly inevitable, but that our intention is to limit the area that can be capped. I explained what was at that time our mental construct of three "buckets" -- (1) beyond GE's control, (2) "near miss" and (3) "far miss". As you know, our approach now is slightly different: (1) beyond GE's control, (2) all other capping and (3) a sub-category of (2) that further limits the amount of capping over "inventory".

I believe we can and should provide an explanation of our approach in this crucial area.

Also, today we sent to GE a document describing our current position on Resuspension and Load. A copy of that document is attached for your information, and I will arrange that it be shared with the NGOs immediately.

Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Bob Sussman/DC/USEPA/US]

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 02:38 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

I think we need some guidance on how to characterize our discussions with GE if pressed at the meeting. I do not think we can refuse to comment. I would prefer not to describe GE's proposals to us but feel we should be forthright about the issues under discussion. What do others think?

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From:	Walter Mugdan/R2/USEPA/US
To:	Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov
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Date:	11/29/2010 02:14 PM
Subject:	FYI: NRDC Blog on Hudson River Cleanup

You may wish to read this in advance of our meeting with the NGOs tomorrow:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" <llevine@nrdc.org>
To: "Levine, Larry" <llevine@nrdc.org>
Date: 11/29/2010 01:35 PM
Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_--_or_corpo.html