From:	Koval, Paul
To:	Bollweg, George; Stein, Gregory
Cc:	Nash, Carlton
Subject:	RE: EL class action
Date:	Tuesday, November 26, 2013 7:49:12 AM
Attachments:	image001.png image002.png image003.png

Yes, and in my experience, limited as it may be, 75% of these lawsuits fade away without going anywhere (or they are settled out of court so we do not see any parts of the negotiations).

From: Bollweg, George [mailto:bollweg.george@epa.gov]
Sent: Monday, November 25, 2013 4:52 PM
To: Koval, Paul; Stein, Gregory
Cc: Nash, Carlton
Subject: RE: EL class action

Thanks Paul – I'm guessing you're right about avoiding early conclusions for what's probably a long slow process. HTD2U2

From: Koval, Paul [mailto:paul.koval@epa.ohio.gov]
Sent: Monday, November 25, 2013 3:09 PM
To: Bollweg, George; Stein, Gregory
Subject: RE: EL class action

Likewise have not heard anything extra here on the Ohio EPA side of things. Not sure if we would be on the list of people contacted. Usually when this sort of case happens we hear about the details once the lawyers are issuing supena's for witnesses and requesting public records to build their cases. Who knows how quickly this will progress, but could be up to 1 year before we get requests for information. We'll see. Happy Turkey Day everybody.....PK

From: Bollweg, George [mailto:bollweg.george@epa.gov]
Sent: Monday, November 25, 2013 12:32 PM
To: Stein, Gregory; Koval, Paul
Subject: RE: EL class action

Thanks Greg – it is interesting the way the EL sites & issues are getting mixed, but I guess geographic proximity is the "unifying" factor.

From: Stein, Greg [mailto:Greg.Stein@odh.ohio.gov]
Sent: Monday, November 25, 2013 11:15 AM
To: Bollweg, George; Koval, Paul
Subject: RE: EL class action

Hello George (and PK):
We have heard a mixed bag of sites and events and studies in EL.

We heard that there is this lawyer group from Cleveland (Dubyak Connick Sammon Thompson & Bloom, LLC, Waxman Blumenthal LLC, and Edward Cochran) announced that they were pursuing a class action based upon what the SFSU study found. Michelle sent us the link that you included

below. Wonder how their November 7th community meeting went? (Nov 7th, 6:30 p.m. at Community Resource Center, 940 Pennsylvania Avenue, East Liverpool, Ohio 43920)

Then we have Mr. Walton and Mr. Spencer with Save Our County, Inc., who have been very active in requesting both the ODH and our Ohio EPA partners to attend a local board of health meeting to discuss that July explosion and ash release at Heritage Thermal Services/WTI event (see below Sept. e-mail). I have noticed that Mr. Walton and Spencer are combining the sites (WTI and SH Bell) and EH concerns.

But we (ODH) have not heard from these lawyers, our local public health officials or anyone in the community regarding this class action… yet.

From: Stein, Greg
Sent: Monday, September 23, 2013 11:29 AM
To: Rosemarie Bowler (rbowl@sfsu.edu); Michelle Colledge; Mark Johnson (johnson.mark@epa.gov); George Bollweg (Bollweg.George@epamail.epa.gov)
Cc: Stein, Greg
Subject: Resident shares concerns over health study -- appears they are mixing sites and issues

Resident shares concerns over health study

September 23, 2013

By JO ANN BOBBY-GILBERT - East Liverpool Reporter (jgilbert@reviewonline.com) , The Review

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EAST LIVERPOOL - Despite some assurances that no health issues were created by a July 13 release of ash from the Heritage-Thermal incinerator, some residents are not convinced and have asked the city health board to investigate further.

Orchard Grove resident Mike Walton, a longtime opponent of the East End incinerator, addressed the board last week, saying he believes the ash that "blanketed" East End that day does constitute a health issue for residents and the health board should have been involved in the investigation.

He said when there are residents complaining of stinging eyes and legs and extreme fatigue, that constitutes a health issue.

Health Commissioner Jelayne Dray and Mayor Jim Swoger, who heads the health board, both said there had been no complaints of illness made to the health department after the incident.

Referring to news articles written about the July 13 incident, Walton said he is uncertain if the Ohio Environmental Protection Agency ever investigated some aspects of the release and said when he asked the agency for a report, received two narratives on "WTI letterhead," referring to the former name of Heritage-Thermal.

Walton also received 63 pages of "nothing but numbers," telling the board, "I challenge anyone in this room to read and make sense of it," saying he was told that "things like this happen all the time all over the state and the EPA doesn't issue reports."

Walton told the board, "The EPA is reactive, not proactive," and asked both the board and Swoger to contact the state and federal EPA and Ohio Department of Health to ask for a public meeting where a report can be made and residents can ask questions.

"I doubt that they'll do it, so at least ask for a comprehensive report on their findings," Walton asked. "Those three agencies need to get in here and talk to this community. The residents deserve it."

Board members said they had no problem with calling and asking for a meeting.

The issue arose at about 1 p.m. July 13 when a large amount of ash fell from the interior walls of the incinerator during routine operations. The volume of the falling ash was greater than the ash removal system was able to handle, causing an undetermined amount of ash to be released outside the facility and into the air.

Several bags of vermiculite being stored nearby were also ignited by a falling ember, but that fire was quickly extinguished by the on-site fire crew.

Mike Settles of the OEPA said Friday he had already been contacted by Dray to ask about a possible meeting and report, but said no such report exists at this point.

Saying the incident is still open for review, Settles said air monitoring is still being conducted by Heritage Thermal, which he said takes a considerable amount of time and that the EPA is waiting for results of that.

"We're still gathering information. I know it's been awhile, but there is a lot of information being gathered," Settles said, adding that Heritage-Thermal has been asked to submit to the OEPA the calculations used to determine 761 pounds of ash had been released as well as monitoring data as well as the company's plan to ensure such a release won't happen again.

Meanwhile, the OEPA issued a notice of violation on Aug. 5, citing the company for a nuisance, although this notice did not carry any penalties. Whether additional notices of violation or penalties will be issued is unknown at this time, Settles said.

He emphasized the preferred outcome is that another incident doesn't occur.

As for a meeting with citizens, Settles said the OEPA is "happy to share anything we have; they're all public documents, but I don't know if there will be a report, per se."

He said once test results are compiled, they too will be available to the public and people could ask any questions they have at that time.

If after that questions remain, Settles said it is possible the agencies involved could discuss having a public meeting.

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From: Bollweg, George [mailto:bollweg.george@epa.gov]
Sent: Monday, November 25, 2013 10:36 AM
To: Koval, Paul; Stein, Greg
Subject: EL class action

Hi Paul and Greg – people here are asking whether we've heard anything further about the potential class action lawsuit in and around East Liverpool, Ohio (www.eastliverpoolpollution.com). I heard from one PA resident who went to the meeting but didn't say whether he planned to join the class action. Please let me know if you've heard anything further. thanks, George B.

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