	#	Exemption/Privileg	From	To/cc/bcc	Subject	Date	Size
EPA-R5-2014-000823RR	22	Ex. 5 -- Attorney Client Privilege Redaction Possible	Christine Liszewski	"Halle, Jonathan (USAILN)";"Willey, Steven (ENRD)";Brian Dickens	Re: FW: A. Finkl & Sons - please see attached letter from J. Harrington	09/18/2006	60,353
EPA-R5-2014-000823RR	23	Ex. 7(c) -- Unwarranted invasion of personal privacy Redaction Possible	George Bollweg	susan;Brent Marable;Margaret Sieffert;Suzanne King;Versia Boyd;Brian Dickens;Carlton Nash;Loretta Lehrman;Rochelle Marceillars	CAA - FY08-57503-3714-CV; 9/29/08 Regional Tip and/or Complaint - Illinois	10/08/2008	25,000
EPA-R5-2014-000823RR	24	Redaction Possible	Brian Dickens	Christine Liszewski;Christine Liszewski;Noreen Weimer	Fw: FOIA 00528-11for A. Finkl	02/22/2011	11,100

EPA-R5-2014-000823RR-22

From: Milner, Dawn R. [mailto:dmilner@mcguirewoods.com]
Sent: Friday, September 15, 2006 4:12 PM
To: Haile, Jonathan (USAILN); fkrikau@sbcglobal.net; johng@finkl.com; joec@finkl.com
Cc: Harrington, James T.; Rieser, David L.

Subject: Re: A. Finkl & Sons - please see attached letter from J. Harrington

iev05200.PDF

EPA-R5-2014-000823RR-23

George Bollweg /R5/USEPA/US

10/08/2008 02:45 PM

To [redacted]

cc Brent Marable, Margaret Sieffert, Suzanne King, Versia Boyd, Brian Dickens, Carlton Nash, Loretta Lehrman, Rochelle Marcellars

bcc

Subject CAA - FY08-57503-3714-CV; 9/29/08 Regional Tip and/or Complaint - Illinois

Dear [redacted]

I work as an environmental health scientist in the USEPA Region 5 Air and Radiation Division. Your complaint (below) regarding A. Finkl and its ranking in the 9/29/08 Chicago Tribune article "Our Toxic Air" was forwarded to our Division for a response. The Tribune article relied primarily on a USEPA prioritization tool (Risk Screening Environmental Indicators, RSEI) to rank A. Finkl #4 in Cook County and #21 in the US for airborne chemical release. You state that you find these releases intolerable and frustrating in view of your attempts to protect your family. Given your proximity to this facility, we understand your concern regarding the facility and its relatively high ranking but interpret these rankings somewhat differently than the Tribune article, for at least two reasons:

1. The Tribune's ranking relied on RSEI and 2005 Toxics Release Inventory (TRI) data. A 2006 enforcement action against A. Finkl resulted in a consent agreement (see September 25, 2006 entry at http://www.epa.gov/Region5/orc/enfactions/enfactions2006/week-0906.htm) and the installation of better pollution control equipment, leading to substantially reduced emissions. More recent (2006 and 2007) TRI data show these reductions for the chemicals of interest:

chemical (lbs)	2005	2006	2007	% reduction
manganese	3,254	1,512	1,588	51
lead	484	396	298	38
nickel	68	40	42	38
chromium	448	252	250	44
zinc	7,406	2,586	2,812	62
			average	47

This information isn't a reason for complacency, but reduced emissions are an improvement. We can't yet re-compute the RSEI with the latest information but we believe that the reductions would change (and likely lower) the A. Finkl rankings from those in the Tribune article.

2. RSEI is a useful prioritization tool for preliminary evaluation, but its numeric scores are not quantitative risk estimates and are not directly applicable to individual people. Although its scores rely on reasonable estimates of chemical release and toxicity, environmental pollutant

dispersion, and human population numbers, RSEI is not a substitute for comprehensive, site-specific risk assessment; for example, its chemical release information pertains to only a subset of stationary pollutant sources. These and other RSEI strengths/limitations are described at http://www.epa.gov/oppt/rsei/pubs/strengths_limits.html. Answers to related frequently asked questions (FAQ) about RSEI are also available (see http://www.epa.gov/oppt/rsei/pubs/faqs.html#differ).

Another USEPA database that gets closer to addressing individual risks and hazards from environmental pollution in particular geographic areas is called Envirofacts (http://www.epa.gov/enviro/index.html). Entering your zipcode (i.e. 60602) or a nearby zipcode (e.g. 60614 for A. Finkl) into the "Quick Start" box on the left side of the webpage for this database, followed by use of "Enviromapper", generates a great deal of information on local environmental pollution in a geographic format. If your interest is primarily air pollution, there's also a great deal of related information at the USEPA Region 5 website, including outdoor air monitoring data (http://www.epa.gov/region5/air/naaqs/index.html#maps). I'm not aware of any current, comprehensive, site-specific risk assessment that integrates all available data for your neighborhood, but public knowledge of information such as that from RSEI and Envirofacts is an important initial step toward that integration.

The usefulness of the Tribune article and related environmental pollution information is to increase awareness of potential environmental hazards, which can lead to better environmental protection. Please let me know if you'd like to discuss any of this further.

thanks, George B. (312-353-5598)

9/29/2008 5:08 PM

HQ LEAD NUMBER: FY08-57503-3714-CV
SUBJECT: Regional Tip and/or Complaint - Illinois
FROM: [redacted]

TO:

Name: [redacted]
Address: [redacted]
City: [redacted]
State: [redacted]
Zip: [redacted]
Phone: [redacted]

Alleged Violator's Name: A. Finkl and Sons
Alleged Violator's Address: 2011 N. Southport Ave.
Alleged Violator's City: Chicago
Alleged Violator's State: Illinois
Alleged Violator's Zip: 60614

[redacted]

Tip or Complaint: Based on a Chicago Tribune report, Sept. 29, 2008 titled "Our Toxic Air," it was pointed out that there are exceptionally high levels of toxic chemicals (manganese, chromium, lead, zinc, nickel) being released by A. Finkl and Sons. I find this intolerable and so frustrating. I live less than a mile west of this factory and do everything in my power to make sure my two young children are safe and healthy. This, however, is something out of our control. Please, any attention to this urgent matter would be greatly appreciated. Most sincerely, [redacted]

Violation Still Occuring? Yes

State DEP/DEQ/DEM Notified? Yes

EPA-R5-2014-000823RR-24

Brian Dickens /R5/USEPA/US
02/22/2011 03:03 PM

To Christine Liszewski
cc Noreen Weimer
bcc
Subject Fw: FOIA 00528-11for A. Finkl

Chris:

We received a FOIA request for documents from A. Finkl. I clarified with the requestor that he wants only documents dated after 9/06 when the CD was entered - which I explained are almost exclusively A. Finkl's quarterly compliance reports, SEP reports, and stack tests. I have gathered these documents and have them on a CD. I think an attorney is supposed to review the documents (our response) before they go out.

Please let me know when you are available and I will run the CD down to you for your review. We can then get it to Noreen Weimer for release to the requestor.

Thanks,

Brian Dickens
U.S. EPA - Region 5
Ph (312) 886-6073
Fx (312) 353-8289
dickens.brian@epa.gov

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at http://www.epa.gov/compliance/complaints/index.html

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----- Forwarded by Brian Dickens/R5/USEPA/US on 02/22/2011 02:58 PM -----

From: Noreen Weimer/R5/USEPA/US
To: Brian Dickens/R5/USEPA/US@EPA
Date: 02/22/2011 09:18 AM
Subject: Re: Fw: FOIA 00528-11

[redacted] I will put this in the letter I send to him so there is no need to do anything else. Thanks.

Noreen Weimer
Air and Radiation Division
Freedom of Information Specialist
U.S. EPA
77 W. Jackson Boulevard (AE-17J)
Chicago, Illinois 60604
(312) 353-8655

Brian Dickens | This is a request for documents related to A. Finkl. The request is vag... | 02/22/2011 09:00:25 AM

From: Brian Dickens/R5/USEPA/US
To: Noreen Weimer/R5/USEPA/US@EPA
Date: 02/22/2011 09:00 AM
Subject: Re: Fw: FOIA 00528-11

This is a request for documents related to A. Finkl. The request is vague as to its interest, so I called Mr. Fullerton. He said he is interested in documents submitted to US EPA after Sept 2006, the date of the most recent Consent Decree entry. I am collecting those now and will take them to the 13th floor for scanning to a CD.

Ideally I would send Mr. Fullerton an email summarizing our agreement (or his redefinition) of the scope, but I do not have his email address. What is standard protocol in these instances - do we need to document my conversation with him beyond this email to you?

Thanks,

Brian Dickens
U.S. EPA - Region 5
Ph (312) 886-6073
Fx (312) 353-8289
dickens.brian@epa.gov

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at http://www.epa.gov/compliance/complaints/index.html

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and any attachment thereto, is strictly prohibited. If you have received this message in error, please respond to the individual sending the message, and permanently delete the original copy and any copy of any e-mail and printout thereof.

Noreen Weimer | Brian: Please read the request below, it looks like you have a case on... | 02/14/2011 02:58:36 PM

From: Noreen Weimer/R5/USEPA/US
To: Brian Dickens/R5/USEPA/US@EPA
Date: 02/14/2011 02:58 PM
Subject: Fw: FOIA 00528-11

Brian:

Please read the request below, it looks like you have a case on A Finkle and Sons, please let me know if you have anything, thanks.

Noreen Weimer
Air and Radiation Division
Freedom of Information Specialist
U.S. EPA
77 W. Jackson Boulevard (AE-17J)
Chicago, Illinois 60604
(312) 353-8655

-----Forwarded by Noreen Weimer/R5/USEPA/US on 02/14/2011 02:57PM -----

To: marable.brent@epa.gov
From: Noreen Weimer/R5/USEPA/US
Date: 02/14/2011 07:48AM
Subject: FOIA 00528-11

Brent:

Please read the request below, do you know who has A Finkl and Sons in Chicago, Illinois? Thanks, let me know.

Noreen Weimer
Air and Radiation Division
Freedom of Information Specialist
U.S. EPA
77 W. Jackson Boulevard (AE-17J)
Chicago, Illinois 60604

(312) 353-8655
-----Forwarded by Noreen Weimer/R5/USEPA/US on 02/14/2011 07:47AM -----

To: Noreen Weimer/R5/USEPA/US@EPA
From: EPA SCANNERS@EPA
Date: 02/10/2011 02:39PM
Subject: Scan from a Xerox WorkCentre Pro

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre Pro.

Sent by: Guest [R5IMB_09-24@epa.gov]
Number of Images: 6
Attachment File Type: PDF

WorkCentre Pro Location: 09-24
Device Name: R5IMB_09-24_275

McGuireWoods LLP
77 West Wacker Drive
Suite 4100
Chicago, IL 60601-1815
Phone: 312.849.8100
Fax: 312.849.3690
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James T. Harrington
Direct: 312/849.8252

McGUIREWOODS

jharrington@mcguirewoods.com
Direct Fax: 312/920.6177

September 15, 2006

Ms. Christine Liszewski
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (C-14J)
Chicago IL 60604

Re: *USA v. A. Finkl & Sons Co.* – No. 06 C 4297; Consent Decree

Dear Ms. Liszewski:

Pursuant to our discussion of Wednesday, September 13, 2006, and Paragraph 69 of the Consent Decree, A. Finkl & Sons Co. ("A. Finkl") hereby requests that Appendix III, Part A, of the above-captioned Consent Decree be modified as follows: [redacted]

We believe this will carry out the intent and purpose of this portion of the Consent Decree and will expedite completion of the Supplement Environmental Project ("SEP"). Should you have any questions, please contact the undersigned. If I am not available, you may speak with my partner David Rieser.

Thank you for your attention to this matter.

Sincerely,

James T. Harrington

James T. Harrington

JTH:drm

Cc: J. Haile
F. Krikau
J. Guliana
J. Curci
D. Rieser
Chief, Environmental Enforcement Section, US Department of Justice
US Attorney, Chicago, IL
Regional Counsel, US Environmental Protection Agency
Chief, Air Enforcement and Compliance Assurance Branch,
US Environmental Protection Agency

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