To: Matthews, Kate (ENRD)[Kate.Matthews@usdoj.gov]
From: Stoy, Alyse
Sent: Fri 12/23/2016 4:52:56 PM
Subject: FW: Response to Ms. Stoy 11-23
Response to Lewis and DeFeo 11_17_16.pdf

Just FYI –

Here is our correspondence with Plaintiff's attorney – we haven't heard anything from them since we sent our last email on December 1st.

Alyse Stoy

Office of Regional Counsel

U.S. EPA Region 7

(913) 551-7826 office

(816) 807-3271 cell

From: Stoy, Alyse
Sent: Thursday, December 01, 2016 3:50 PM
To: 'Richard S. Lewis' <rlewis@hausfeld.com>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: RE: Response to Ms. Stoy 11-23

Good Afternoon Mr. Lewis,

Thank you for your email. As I mentioned previously, EPA has already begun the process of working with our contractors to develop a plan to conduct sampling at the Dailey's residence as you requested in your November 16, 2016 letter, and we will schedule a date and time to meet with you and your client to go over that plan once it is complete. We will do our best to consider any additional information you provide that would allow us to verify your results from the Dailey's home. Please note that EPA does not have the lab reports for samples collected from the Dailey's home as you state in

your email below, we currently only have the one page Final Report of Analysis attached as Exhibit 3 to your recent letter. I trust that you understand the difficulty EPA will have in comparing the Dailey's data to data we ultimately collect if we do not have a complete understanding of how the samples from the Dailey's home were originally collected and analyzed. We certainly plan to ensure that you and the Dailey's fully understand our sampling effort before expecting your clients to agree to provide EPA access. As we would on any site where access to private property is needed to perform investigatory work, once we have scoped the details of our sampling plan and before the work is performed we would discuss that with you and hope to memorialize your client's consensual access in a standard written access agreement that describes the scope of the work EPA intends to conduct.

For ease of reference in my earlier email to you I attempted to summarize the information EPA has regarding off-site investigations in response to your first question that requests "all of the data". In short, EPA's statements regarding off-site contamination are based on our thorough evaluation of off-site data collected by EPA (BMAC, ASPECT, the five air monitoring stations coupled with data from the on-site perimeter air monitors, and sediment samples), data collected by the State (Vicinity Reports and haul route data), groundwater data analyzed by the USGS, and finally ATSDR's recent analysis that speaks to potential health risks to the nearby community from the West Lake site.

With regard to "level of concern", each of the sampling efforts that EPA has either performed or reviewed identifies an environmental benchmark that was used for data comparisons and subsequent determinations. These numbers guide EPA in assessing whether there is a potential exposure to a contaminant that could result in an unacceptable risk. The most relevant standards and comparisons depend on the media sampled, i.e., air-particulate, air-radon, direct gamma, soil, water, etc. as well as the specific radiological contaminant, exposure pathway, and receptors. In addition, some standards and the Superfund risk calculations take into account levels of radionuclides found in the natural background identified in published literature or based on site-specific background sampling. To fully and accurately answer your question we can be available to discuss each of the relevant reports and the specific comparison that was made to a particular benchmark. Again, these benchmarks are described in the BMAC report, the Perimeter Air Monitoring reports, the various MDNR reports, the Haul Route Sampling reports, and the West Lake update on sediment. EPA's off-site air monitoring reports statistically compare the data between upwind and downwind locations and to a background location. Lastly, the screening information gathered from the ASPECT fly over designed to identify areas of elevated gamma radiation in OU-1 was compared to normal background levels.

Finally, to accurately and completely answer your third question we would need to devote additional resources to search our records for that information.

I hope this better clarifies these items for you. We will be in contact with you once we have our sampling plan, and in the meantime please let me know if you would like to schedule a time to further discuss questions you have about individual reports.

Regards,

Alyse

Alyse Stoy

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From: Richard S. Lewis [mailto:rlewis@hausfeld.com]
Sent: Tuesday, November 29, 2016 12:12 PM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>; Marco Kaltofen (office) <Kaltofen@wpi.edu>
Subject: RE: Response to Ms. Stoy 11-23 [WARNING: DKIM validation failed]

Ms. Stoy :

Thank you for your letter . On behalf of Mr and Mrs. Dailey we would appreciate it if you could provide direct and clear answers to our four questions below , and not refer us to reams of data , most of which is not in the least bit responsive to our specific questions. We don't find your non responses to be cooperative or to demonstrate an interest in cooperating with the affected homeowners . As to your requests , I repeat we cannot provide access to you for any of our clients' properties until you provide to us a sampling plan, methodology, and thresholds for clean – up. I assume you understand why a property owner and non –scientist would require that

minimal information before providing access.

As to your request for the backup QA on the Dailey measurements for which you already have the lab reports , I have requested that from the scientists who did the work , and will provide it to you later this week . As to your requests for the backup data to the published scientific paper noted in the Petition , Dr. Kaltofen is the author and his email is above , please contact him .

Thank you , Rich Lewis .

From: Stoy, Alyse [mailto:Stoy.Alyse@epa.gov]
Sent: Monday, November 28, 2016 5:41 PM
To: Richard S. Lewis <rlewis@hausfeld.com>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: RE: Response to Ms. Stoy 11-23

Good Afternoon Mr. Lewis,

There are a number of reports that have been made public that hopefully address your questions regarding off site data. I've included links to certain reports below, and in recent years EPA has made efforts to summarize this information for the public (https://semspub.epa.gov/work/07/30285869.pdf).

•□□□□□□□□ Bridgeton Municipal Athletic Complex Sampling (https://semspub.epa.gov/work/07/30244530.pdf)

•□□□□□□□□ Off Site and Perimeter Air Monitoring:

- https://semspub.epa.gov/work/07/30285998.pdf
- https://semspub.epa.gov/work/07/30285999.pdf
- https://semspub.epa.gov/work/07/30286001.pdf

- https://semspub.epa.gov/work/07/30284975.pdf
- https://semspub.epa.gov/work/07/30284979.pdf
- https://semspub.epa.gov/work/07/30303312.pdf
- https://semspub.epa.gov/work/07/30286003.pdf

•□□□□□□□□ Information collected by the Missouri Department of Natural Resources:

- West Lake Landfill Radiological Survey https://dnr.mo.gov/env/hwp/fedfac/docs/2013-5-16-westlake-rad-survey-reportl.pdf
- West Lake Interim Vicinity Report https://dnr.mo.gov/bridgeton/docs/20160125westlakeinterimvicinityreport.pdf
- Bridgeton/West Lake Interim Vicinity Report https://dnr.mo.gov/bridgeton/docs/20160125dhssbridgetonwestlakeinterimreport_nov2015.pdf
- West Lake Final Vicinity Report https://dnr.mo.gov/env/hwp/fedfac/documents/WestLakeLandfillFinalVicinityInvestigationReport_000.p

•□□□□□□□□ FUSRAP North St. Louis County Haul Road Sampling Results (MDNR's 2005 soil sampling along St. Charles Rock Road, Boenker Road and Taussig Road):

- https://dnr.mo.gov/env/hwp/fedfac/fusrap/reports.htm
- https://semspub.epa.gov/work/07/30244493.pdf

•□□□□□□□□ EPA's 2013 ASPECT aerial survey of the site and nearby residential and commercial/industrial properties (http://westlakelandfill.com/Portals/0/Documents/aspect_survey_report_may2013.pdf).

•□□□□□□□□ ATSDR's 2015 West Lake Landfill Health Consultation:

- https://www.atsdr.cdc.gov/HAC/pha/West_Lake_Landfill/West_Lake_Landfill_HC_October2015_508.p

o https://www.epa.gov/newsreleases/epa-receives-agency-toxic-substances-and-disease-registrys-health-consultation-west

•□□□□□□□□ Sediment Sampling:

o https://semspub.epa.gov/work/07/30286200.pdf

o https://semspub.epa.gov/work/07/30285873.pdf

•□□□□□□□□ U.S. Geological Survey 2014 Review of 2012 – 2014 groundwater data (https://semspub.epa.gov/work/07/30244478.pdf).

For the most part, the relevant environmental benchmarks used for the data comparisons are described within the narrative reports.

EPA is also currently developing our sampling plan, and we had hoped to have your data by this point to inform our technical evaluation of how best to verify the results from the Dailey's home. If we do not receive all of the data requested in our November 17, 2016 letter by COB tomorrow, we will unfortunately have to proceed with the development of our sampling plan without it.

If you would still like to have a conference call this week I can be available Wednesday between 11:00 and 1:00 central time or Thursday between 9:00 and 11:00 central time. Mr. Hague will not be on the call. Finally, please note that for the remaining information you have identified below you are certainly welcome to submit your request pursuant to the Freedom of Information Act. We would be happy to work with you on defining the scope of the records you are seeking and obtaining the necessary assurance of payment for EPA to process your request.

Regards, Alyse

Alyse Stoy

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From: Richard S. Lewis [mailto:rlewis@hausfeld.com]
Sent: Wednesday, November 23, 2016 10:07 AM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: RE: Response to Ms. Stoy 11-23 [WARNING: DKIM validation failed]

Ms. Stoy :

Thank you for the response . Please give us some times for a call when Mr. Hauge will be available next week to discuss the sampling in Bridgeton and the Dailey home . In the meantime , can you send me these items :

1. All of the data Mr. Hauge cited in the 11/22/16 press conference to support his statement that there is no off- site radioactive contamination at "levels of concern."

2. What EPA or other standard Mr. Hauge relies on to define the term " levels of concern. "

3. Any off- site radiation contamination data whatsoever you have based on soil sampling of a resident's yard , or dust sampling of the interior of a home in the St. Louis area .

4. Your proposed radioactive material testing protocol for a residence(outside and inside) in Bridgeton whether it be the Dailey home or any other home . thank you , Rich Lewis

From: Stoy, Alyse [mailto:Stoy.Alyse@epa.gov]

Sent: Tuesday, November 22, 2016 2:57 PM
To: Richard S. Lewis <rlewis@hausfeld.com>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: RE: Response to Lewis and DeFeo 11.17.16

Good Afternoon Mr. Lewis,

I can be available tomorrow afternoon between 2:00 and 4:00 central time, or actually anytime within the next hour today if that works for you. Mr. Hague will not be available to join us. The two primary items I'd like to discuss is when EPA will be provided with the data identified in our November 17, 2016 letter, as well as obtaining access from you clients, Mr. and Mrs. Dailey, for EPA to perform our sampling of their home.

Regards, Alyse

Alyse Stoy

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From: Richard S. Lewis [mailto:rlewis@hausfeld.com]
Sent: Tuesday, November 22, 2016 11:22 AM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: FW: Response to Lewis and DeFeo 11.17.16

Ms. Stoy :

Thank you for your letter regarding EPA's interest in our data and EPA's interest in doing sampling in the Bridgeton neighborhood. Please suggest a time tomorrow or next week when you and Mr. Hague can talk to us by phone to address these issues .

Thank you , Rich Lewis

From: Stoy, Alyse [mailto:Stoy.Alyse@epa.gov]
Sent: Thursday, November 17, 2016 1:00 PM
To: Richard S. Lewis <rlewis@hausfeld.com>
Subject: Response to Lewis and DeFeo 11.17.16

Good Morning Mr. Lewis:

Please see the attached correspondence from the U.S. Environmental Protection Agency. I do not have an email address for Mr. DeFeo, but will be sending this letter to both of you via overnight mail as well. If you have any questions, please don't hesitate to contact me at any time.

Regards,

Alyse

Alyse Stoy

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