To: Richard S. Lewis[rlewis@hausfeld.com]
From: Stoy, Alyse
Sent: Thur 1/5/2017 8:43:27 PM
Subject: RE: Bridgeton Residential Sampling- response to Ms. Stoy
EPAAG 9.5.1.pdf
EPAAG 9.5.2 (004).pdf

Good Afternoon Mr. Lewis,

One additional follow up item from question #7 in your email below, you asked me to provide the conflict of interest screening protocol EPA used before hiring our contractor to sample in Spanish Village. Attached is the procedure for addressing pre-contract award conflicts of interest as set out in the EPA Acquisition Guide 9.5.2, as well as the procedure for post-award conflicts of interest. In addition, there are references to conflicts of interest in the Federal Acquisition Regulation, 48 C.F.R. (FAR) Subpart 9.5 and the EPA Acquisition Regulations (EPAAR), 48 C.F.R. Subpart 1509.5. Further, EPAAR 1552.209-71 Organizational Conflicts of Interest, EPAAR 1552.209-73 Notification Of Conflicts of Interest Regarding Personnel, and local clauses related to conflicts of interest are included in many contracts.

Again I look forward to hearing from you to confirm whether or not we will have our meeting tentatively planned for this coming Monday, and please do not hesitate to contact me any time.

Regards,
Alyse

Alyse Stoy

Office of Regional Counsel

U.S. EPA Region 7

(913) 551-7826 office

(816) 807-3271 cell

From: Richard S. Lewis [mailto:rlewis@hausfeld.com]
Sent: Monday, December 26, 2016 5:23 PM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: FW: Bridgeton Residential Sampling- response to Ms. Stoy [WARNING: DKIM validation failed]

Dear Ms. Stoy ,

Thank you for the response . I understand you have certain media talking points you are obligated to include in your emails to me. However in addition to doing that , could you please respond to the specific questions from my letter to you earlier today (attached) . They specific questions are :

1. Will EPA reschedule the testing in Spanish village until early January to allow the Daileys and other community members fair notice and a meaningful opportunity to confer with expert scientists to comment on the sampling plan , be heard by the EPA , and allow the scientific experts time to fly to St Louis and take split samples in the sampling activity ? If so , can we meet tomorrow and determine a new date for the testing ?

2. Will EPA consider the known radioactive contamination in the Dailey basement and behind the refrigerator in the kitchen in making their sampling plan for the Dailey home ? If so , please send an amended sampling plan for the Dailey home.

3. Will EPA identify their contacts with the lawsuit defendants regarding the EPA sampling plan and the timing of it over the last 60 days ? If so , please send a list of those contacts .

4. Will EPA provide indemnification to the Daileys and other community members for any damage that occurs to their homes as a result of the sampling ?

5. Will EPA provide a definite time period for allowing access to the EPA instead of an open-ended limitless time period ?

6. Will EPA define "levels of concern" for radioactive material inside the homes of Spanish Village residents ? If so , please send that information .

7. Finally will EPA determine if their sampling contractors have a conflict of interest in this matter? I have been informed but have not yet been able to verify that your sampling contractor actually works for one of the defendants in the lawsuit – Republic . Can you verify if it is true that your contractor works for Republic ? And can you send me the conflict of interest screening protocol you used before hiring your contractor here to sample in Spanish Village ?

Thank you , Rich Lewis

From: Richard S. Lewis
Sent: Monday, December 26, 2016 2:22 PM
To: 'Stoy, Alyse' <Stoy.Alyse@epa.gov>
Cc: Mahler, Tom <mahler.tom@epa.gov>; Daniel DeFeo <ddefeo@defeokolker.com>
Subject: RE: Bridgeton Residential Sampling

Dear Ms. Stoy :

I did receive your email this morning and tried to call you and left a voicemail . My full response to your email is attached to this email . Your proposed timing to start sampling 2 days after Christmas without adequate notice or meaningful opportunity to review , comment and participate is not practical and is not acceptable . Please reschedule all Spanish Village sampling for early January to allow for adequate notice and meaningful opportunity to participate . If you are declaring this a public health emergency and your position is that you cannot allow for adequate notice and opportunity to review , comment and participate , please state that .

Thank you , Rich Lewis .

From: Stoy, Alyse [mailto:Stoy.Alyse@epa.gov]
Sent: Monday, December 26, 2016 8:47 AM
To: Richard S. Lewis <rlewis@hausfeld.com>
Cc: Mahler, Tom <mahler.tom@epa.gov>; Daniel DeFeo <ddefeo@defeokolker.com>
Subject: Bridgeton Residential Sampling

Good Morning Mr. Lewis,

I hope you are enjoying the holidays. In follow up to our previous communications, EPA has prepared the attached Quality Assurance Project Plan (QAPP) to perform radiological sampling at certain homes in Spanish Village, including the Dailey's home. EPA staff and our contractors will arrive in Bridgeton later today and plan to conduct the

sampling activities through Thursday of this week. Also attached is a proposed Consent for Access to Property. In summary, EPA's residential sampling effort encompasses the following activities:

- Outdoor sampling will include a real-time gamma survey of surface soils and collection of soil samples for laboratory analysis for radionuclides.
- Indoor sampling will include real-time surveys of interior building surfaces for alpha, beta, and gamma radiation, collection of wipe dust samples for on-site analyses for gross alpha/beta followed by laboratory analysis for radionuclides, and collection of bulk dust samples for laboratory radionuclide analysis.
- If elevated levels of radionuclides are detected, EPA will evaluate the results of samples collected to determine if such radionuclides are present beyond what is naturally occurring. Depending on our review of that data, EPA will determine if any further CERCLA action is warranted.
- In addition to providing preliminary screening results, EPA will provide your clients with a receipt of samples obtained from their home and a copy of the analytical results of such samples.
- It is anticipated that we will have a team of up to eight personnel (EPA staff and contractors) that will perform the sampling work, and we anticipate that it will take approximately one full day to complete the sampling of the Dailey's home.

We are available to discuss EPA's QAPP and access agreement by telephone later today, and are happy to address any questions you may have. Also copied on this email is Tom Mahler, EPA's On-Scene Coordinator for this sampling effort, and once he arrives in Bridgeton today he will be available in person to discuss our proposed work with Mr. and Mrs. Dailey to ensure they fully understand our sampling effort. Tom can be reached at 913-551-7416. After you have had a chance to review these documents and discuss with your client, upon execution of the Consent for Access to Property document our team will be able to schedule the collection of these samples from the Dailey's home.

We greatly appreciate your assistance in this effort, and please advise if you would like to schedule a time to discuss this matter in more detail.

Regards,

Alyse

Alyse Stoy

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