To: Daly, Eric[Daly.Eric@epa.gov]
From: Basile, Michael
Sent: Mon 10/24/2016 4:02:38 PM
Subject: Fw: Additional questions from Mr. Dan Telvock.

Eric:

Dan Telvock would like to do an interview with you the week of Nov 7-11. Will you be available? I will not be town from noon on Nov 2 - Nov 11. If you can do an interview please let me know so I can give him a heads-up. Let me know one way or another! Thanks Mike!

Mike Basile, USEPA Region 2

Public Affairs Specialist

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email: basile.michael@epa.gov

From: Daniel Telvock <dtelvock@investigativepost.org>
Sent: Monday, October 24, 2016 11:48 AM
To: Basile, Michael
Cc: Rodriguez, Elias; Kluesner, Dave
Subject: Re: Additional questions from Mr. Dan Telvock.

Hi Mike
I'd like to schedule an interview with Eric after I return from Philly, which is the week of Nov 7-11th. Eric and I communicated but not anything I wrote down or will use. It was casual but he said it would not be a problem to do another interview soon.

As for the 1979 private investigators report, EPA does have it. I suggest getting it from EPA attorney Margo Ludmer, who has been calling some of the same people I have been calling in trying to verify sections of the report. I think Eric will find that report very interesting if in fact EPA believes Union Carbide is the sole source of this material (although other EPA documents mention Oldbury Furnace, and I don't see EPA questioning Occidential at all about what they did with their radioactive byproduct.)

I am unable to send the document by email because it is larger than what my server allows.

Sincerely,

Dan Telvock
Environmental Reporter
Investigative Post
(w) 716-831-2626 x 3
Twitter: @dantelvock

On Mon, Oct 24, 2016 at 10:29 AM, Basile, Michael <Basile.Michael@epa.gov> wrote:

Dan:

Spoke with Eric Daly this morning 10/24/16 about your request for a interview on the activities at Area 5

near the Holy Trinity Cemetery. Eric did indicate that he did communicate with you last week while you were at the cemetery location.

In addition, you reference a 1979 private investigators report that we do not have. If we could be sent a copy of that report it would be appreciated.

Thanks and have a good day!

Mike Basile, USEPA Region 2

Public Affairs Specialist

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From: Daniel Telvock <dtelvock@investigativepost.org>
Sent: Monday, October 17, 2016 10:29 AM
To: Rodriguez, Elias
Cc: Kluesner, Dave; Basile, Michael
Subject: Re: Additional questions from Mr. Dan Telvock.

Hello gentlemen,
I am doing a follow up story on the radioactive hotspot story I did two months ago.

Can EPA make Eric or someone else available for a short interview?

The subjects are twofold: A 1979 private investigator's report details how this problem may be much worse than originally thought

and

Area 5 near the cemetery where a radon mitigation system was installed in a home and two more homes on expected to be assessed soon for radioactive materials.

I would like to have the interviews done this week or early next.

Thank you

Dan Telvock
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On Thu, Oct 13, 2016 at 12:02 PM, Rodriguez, Elias <Rodriguez.Elias@epa.gov> wrote:

Greeting Mr. Telvock, Below are EPA's responses to your additional questions.

QUESTION: We have obtained two reports - one dated May 10, 1974, and the other dated June 8, 1979- from a private investigating firm called Probe International. It is my understanding that an EPA staff attorney, Margo Ludmer, has been calling the surviving members of this firm. I am not sure why, but I'd like to find out.

Ms. Ludmer is an EPA attorney engaged in research related to EPA's search for potentially responsible parties.

QUESTION: Why hasn't the EPA taken action for 738 Upper Mountain Road yet?

EPA is planning to complete an additional assessment of 738 Upper Mountain Road.

QUESTION: Why hasn't the EPA stepped in to do a more comprehensive review to determine location and severity of additional hotspots?

We decline to speculate about future actions. EPA will continue to partner with N.Y. State to determine appropriate next steps.

QUESTION: I also need to understand what EPA's role is in this.

EPA's respective Removal Action Memorandums, which we believe you have access to by way of your previously completed FOIA requests, etc., describe in full detail the authorities under which EPA has taken action as well as the scope and history of our involvement. Let us know, if you need additional copies and they will be provided for your reference.

Attached is information on how a citizen or group can request that the EPA conduct an assessment of a site for possible inclusion on the National Priorities List (Superfund list). Often states will nominate sites for the NPL.

QUESTION: Does the EPA only get involved if the state sends over properties for NPL consideration or removal consideration?

No. Some short-term (removal) sites come to our attention by other means, such as citizen reports or referrals from the community.

QUESTION: Would EPA to additional surveys to determine the scope of the contaminated properties beyond what is in the 1986 ORNL report?

EPA will continue to partner with N.Y. State on determining appropriate next steps.

Sincerely,

Elias Rodriguez, M.P.A.
Public Information Officer
U.S. Environmental Protection Agency
290 Broadway, New York, NY 10007
rodriguez.elias@epa.gov

From: Daniel Telvock [mailto:dtelvock@investigativepost.org]
Sent: Monday, September 19, 2016 2:38 PM
To: Kluesner, Dave <kluesner.dave@epa.gov>

Subject: Re: my contact

Hi David

So, here is the basic scope of the info and why I need to interview someone with EPA. If it's Eric Daley, that's fine, but the EPA cannot prohibit him from answering certain questions like they did last time, or he wouldn't be the right expert for us. He could only talk about the bowling alley property. And this story goes way beyond a single property.

We have obtained two reports - one dated May 10, 1974, and the other dated June 8, 1979- from a private investigating firm called Probe International. It is my understanding that an **EPA staff attorney, Margo Ludmer**, has been calling the surviving members of this firm. I am not sure why, but I'd like to find out.

These reports discuss how slag from Union Carbide was widely used in Niagara Falls. This slag has radioactive elements of varying degrees. Union Carbide is the subject of an EPA inquiry into contamination at the Niagara Falls Boulevard bowling alley, the Holy Trinity Cemetery and a residence on Upper Mountain Road. Union Carbide has denied any responsibility.

Yet, as far as we can tell, there has not been any comprehensive survey of potential hotspots since 1986. In addition, I have obtained records about how a lot of this material was buried in Niagara Falls at what then was called 56th and Pine (screenshot attached). This land, as far as I can tell, is not listed as an inactive hazardous waste site.

Why hasn't the EPA taken action for 738 Upper Mountain Road yet? Why hasn't the EPA stepped in to do a more comprehensive review to determine location and severity of additional hotspots?

I also need to understand what EPA's role is in this. Does the EPA only get involved if the state sends over properties for NPL consideriation or removal consideration? Would EPA to additional surveys to determine the scope of the contaminated properties beyond what is in the 1986 ORNL report?

Sincerely,

Dan Telvock

Environmental Reporter

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