To: Rodriguez, Elias[Rodriguez.Elias@epa.gov]; Basile, Michael[Basile.Michael@epa.gov]
From: Daly, Eric
Sent: Mon 5/9/2016 7:39:40 PM
Subject: USEPA-NYS Radiological Site/Telvock

Good Afternoon:

Below is the email from Mr. Telvock. Elias or Michael, I would appreciate it if one of you contacted Mr. Telvock directly since I will need your offices involvement with the ground rules and presence during the interview. Right now, I do not know for sure about my next trip to the Niagara Falls area. I tentatively have a trip the week of May 23rd but it is not confirmed. I would rather have these issues worked out through PAD prior to agreeing to an interview.

Thanks

From: Daniel Telvock [mailto:dtelvock@gmail.com]
Sent: Thursday, May 05, 2016 8:50 AM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Daniel Telvock <dtelvock@investigativepost.org>; Dan Personal <danielmtelvock@gmail.com>; Basile, Michael <Basile.Michael@epa.gov>
Subject: Re: USEPA-NYS Radiological Site

Hi Eric

I spoke with Mike Basile last week about interviewing you this month, but he wasn't exactly sure when you'd return to the area to work on the radiological sites here in Niagara County.

Any idea when you come back so I can schedule the timing with WGRZ and their camera photogs?

If you want to chat on phone ahead of this, my cell is 540-645-0101

Thanks,

Dan Telvock

Investigative Post

Environment reporter

Buffalo, NY

(540)-645-0101

Twitter: @dantelvock

On Oct 27, 2015, at 3:07 PM, Daly, Eric <Daly.Eric@epa.gov> wrote:

Dan:

My point is more of a cut to the chase approach in an attempt to assist you in locating what site specifics information you are looking for. Your request is basically to provide every communication between three different agencies and three different property owners for the last ten years? That is a bit more unrealistic than my request to zoom in on what you are looking for. I will let those in the FOIA realm work with you on the feasibility of the request.

For my part, I will provide Wanda with the information I have from my work so far on NFB and HTC. Another EPA Program conducted the assessment you are referring in 2013-2014. I cannot speak on their behalf.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
732-321-4350

From: dtelvock@gmail.com [mailto:dtelvock@gmail.com] **On Behalf Of** Daniel Telvock
Sent: Tuesday, October 27, 2015 2:49 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Dan Personal <danielmtelvock@gmail.com>; Basile, Michael <Basile.Michael@epa.gov>; Rodriguez, Elias <Rodriguez.Elias@epa.gov>; Calderon, Wanda <Calderon.Wanda@epa.gov>
Subject: Re: USEPA-NYS Radiological Site

Thanks Eric for the response. I've modified my request, but I doubt it addresses this email.

I've removed from the request all communications with Weston. I want to focus on communications with the DEC, the health department and the property owners (which I modified the request to include) for these three sites.

My FOIL request is very specific. I provide exact addresses and the exact topic regarding the communication for which I am seeking. It's unrealistic for the EPA to suggest that I can somehow pinpoint exact types of communications or more exact dates, because I would

have to already have some knowledge of them to begin with. Not sure how much more clarity I can offer.

To be clear, I am not only asking for emails, which is exactly why I included the phrase "any and all." So I modified the request to add additional clarity because I am concerned that your email suggests you thought I am only seeking emails. I am not.

In addition, 738 Upper Mountain Road is a site that was the subject of an assessment by Weston a few years ago, with results that were not entirely too much different than the cemetery and NFB site. In fact, there were all done during the same period under the EPA same program. There has to be some kind of communication about that site between EPA, the state and the local health dept. and the property owner. It may not be communication by you specifically.

Wanda, I modified the request online, and below is the new modified request, please note No. 3 was added in this modified request:

This is a FOIA request for the following:

1. Any and all communications, **to include but not limited to emails, meeting notes or conference call notes/recordings, letters and other communications** between NYSDEC and the EPA regarding radioactive slag in the Niagara County area, and specifically for the following properties:

* 738 Upper Mountain Road, Lewiston;

* 9540 Niagara Falls Boulevard, NF;

* and 5401 Robert Avenue, also known as Holy Trinity Cemetery.

I am seeking these records for the time period of January 2006 to current date.

2. Any and all communications, **to include but not limited to emails, meeting notes or conference call notes/recordings, letters and other communications** between the EPA and the Niagara County Health Department regarding radioactive slag in the Niagara County area, and specifically for the following properties:

* 738 Upper Mountain Road, Lewiston;

* 9540 Niagara Falls Boulevard, NF; and

* 5401 Robert Avenue, also known as Holy Trinity Cemetery.

I am seeking these records for the **time period of 2013 to current date.**

3. All letters and other communications, **to include but not limited to emails, meeting notes or conference call notes/recordings, letters and other communications, between the EPA and the property owners for the following properties:**

* 738 Upper Mountain Road, Lewiston;

* 9540 Niagara Falls Boulevard, NF; and

* 5401 Robert Avenue, also known as Holy Trinity Cemetery.

I am seeking such communication for the period of 2006 to current date.

Dan Telvock

Environment Reporter

Investigative Post

Twitter: @dantelvock

716-831-2626 ext. 3

On Tue, Oct 27, 2015 at 1:25 PM, Daly, Eric <Daly.Eric@epa.gov> wrote:

Good Afternoon Dan:

I am unable to talk. I am in a meeting for the rest of the afternoon. Written communication from you on what exactly you are looking for would be best. I would like to compile specific information for you in order to have something to discuss. Personally, I have my email records and information from the last few months.

To answer your question regarding revising request, the "any and all" approach is overly broad in nature as it is not considered a model of clarity.

If no specifics are provided, I will provide our FOIA personnel with my email correspondences to NYS, Weston and Niagara County regarding NFB and HTC.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately",
Benjamin Franklin

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
732-321-4350

On Oct 27, 2015, at 12:09 PM, Dan Personal <danielmtelvock@gmail.com> wrote:

Hi Eric,

First tell me why I need to narrow down my request?

Can we chat on the phone today?

Dan Telvock

On Oct 27, 2015, at 11:47 AM, Daly, Eric <Daly.Eric@epa.gov> wrote:

Good Morning Mr. Telvock:

I am an On-Scene Coordinator with EPA Region 02. Copied to this email is our Public Affairs Officials for the properties in question, Mike Basile and Elias Rodriguez.

I was given your name in regard to an information request for specific properties in NY. I have recently conducted assessments at the Niagara Falls Boulevard (NFB) and Holy Trinity Cemetery Sites (HTC). This occurred in July and August of this year. The third Niagara Falls Area property identified (738 Upper Mountain Road) was not referred to my program for further assessment.

I would like to assist in answering whatever questions you have but we need to narrow the scope of your FOIA request below. As of now, the request is every email between 2006 and today. Please respond in writing to this email with more specifics on what you are looking for in order for me to assist you.

Since I am the active OSC handling the assessment work at NFB and HTC, I can answer on what we have done and what we intend to do. Other specifics such as property history or the recent past involvement of other programs/agencies, I will need to research or refer you to the appropriate contacts. Thanks.

D. Telvock FOI Request:

<image003.jpg>

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
732-321-4350