Message

From: Hansen, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6B2E801253D049BF908314EBF3935472-HANSEN, SUSAN]
Sent: 6/11/2018 8:24:21 PM
To: Ted Lyon [tblyon@tedlyon.com]; Marquette Wolf [mwolf@tedlyon.com]; Lorrie@tedlyon.com
CC: Lodin, Marianne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=29ccc6aa65e04d25891cdb22c3196f5b-Lodin, Marianne]; Johnston, Shelby [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e7ed660a4444005a74a05702ef09e0e-Johnston, Shelby]; Smith, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03d8ce93ced5436da4bfc87ee709682a-Smith, Stephen]; Freeman, Caroline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a6490d5527f0481788a507857ff88527-Robinson, Caroline]
Subject: RE: Eastern Heights Access Authorizations - URGENT MATTER
Attachments: EasternHeightsAccessAuthorizationRequest.pdf; ACCESS AUTHORIZATION.pdf

Importance: High

Mr. Wolf and Mr. Lyon,

Please see attached letter sent via Overnight Mail. Please advise promptly if you intend to assist EPA with securing Access Authorizations from your clients to enable EPA to perform the planned sampling scheduled to begin on June 18, 2018. In order for EPA to avoid delay for this sampling event, the EPA needs Access Authorizations returned by this Wednesday, June 13, 2018.

Thank you for your assistance.

Sincerely,

Susan E. Hansen
Chief, Office of RCRA/CERCLA Legal Support
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
Office: (404)562-9700
Cell: (404)408-5054
hansen.susan@epa.gov

From: Hansen, Susan
Sent: Friday, June 8, 2018 5:26 PM
To: 'Ted Lyon' <tblyon@tedlyon.com>; Marquette Wolf <mwolf@tedlyon.com>; 'Lorrie@tedlyon.com' <Lorrie@tedlyon.com>
Cc: Lodin, Marianne <Lodin.Marianne@epa.gov>; Johnston, Shelby <Johnston.Shelby@epa.gov>; Smith, Stephen <Smith.Stephen@epa.gov>; Freeman, Caroline <Freeman.Caroline@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>
Subject: Eastern Heights Access Authorizations - URGENT MATTER

SENT VIA ELECTRONIC MAIL
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY

SUBJ: Rockwell International Wheel and Trim Proposed Superfund Site (aka Grenada Manufacturing, LLC facility), Grenada, Mississippi

Mr. Wolf and Mr. Lyon,

The United States Environmental Protection Agency is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Rockwell International Wheel and Trim Proposed Superfund Site in Grenada, Mississippi (Site). As the EPA has communicated at recent public meetings, and specifically advised you by email on May 15, 2018, the Agency has been preparing to perform additional indoor and sub-slab air sampling in the Eastern Heights neighborhood.

For those residents that you represent, the EPA would gladly coordinate through you to get the necessary sampling access agreements signed, but we were unable to do so until you provided us with a current list of the clients that you represent in the Eastern Heights neighborhood. The EPA had requested this information from you in the past, and again requested it by phone and email on May 17, 2018 (via telephone conversation and email between Stephen Smith and Ted Lyon). On June 5, 2018, I spoke with Lorrie Mckeever in your office and again reiterated that without the requested client information, we are unable to identify those individuals represented by you or coordinate signature of access agreements through you. As of June 5, 2018, the EPA had already received access from a significant number of residents, and only a small subset of the residents had communicated to the EPA that they are represented and wanted to discuss the access agreement with their counsel prior to signing. Another portion of the residents had not yet responded to the access agreement and information left by the EPA at their homes. After my discussion with Lori Mckeever on June 5, 2018, she sent an email at 3:09pm enclosing the current list of your clients in Eastern Heights. On June 6, 2018, at 1:57pm, Ms. Mckeever sent another email "revoking" "any access authorizations executed by [y]our clients in Eastern Heights for testing" and specifically listed resident names and addresses for eight properties.

During the EPA's September 2015 and 2016 Vapor Intrusion (VI) studies in the Eastern Heights subdivision, TCE was detected in the ambient air at levels below, but near, the indoor air action levels for TCE (2 ug/m^3). TCE was detected, but at lower levels, in the ambient air near the subdivision during the VI study conducted in May 2016. Additional ambient air and fence-line monitoring were conducted at the Rockwell International Wheel and Trim Facility (Facility) between July and November 2017, and TCE was detected above the detection limits in many samples, but again below the indoor air action levels. Based on these results, the EPA technical team recommended a comprehensive ambient air study be conducted starting in May 2018 and continuing into the warmer summer months to try to determine the source of the TCE in the ambient air near the neighborhood. Fence-line sampling results at the Facility performed between March 6 and April 2, 2018, are below the indoor air screening level of 0.21 ug/m^3 and indicate no elevated risk to the community. The outdoor (ambient) air is compared against the indoor air levels because it is considered more protective. Because the chances of increased volatility of a chemical like TCE in the warmer months, having this ambient air study done over the summer months is needed to confirm if there are any consistent ambient air concentrations that could possibly impact the Eastern Heights subdivision. Without this data, the potential risks cannot be fully evaluated.

Therefore, pursuant to the EPA's mandate to protect human health and the environment, the EPA requests your assistance in coordinating access with your clients to conduct sampling activities including, but not limited to, drilling groundwater sampling wells, sampling of groundwater, surface soil, subsurface soil, sediment, surface water, sub-slab air, indoor air and outdoor air. Please find below a list of addresses of residents whom you represent that the EPA would like to include in the current sampling plan.

98 Lyon Drive, Grenada, MS 38901
100 Lyon Drive, Grenada, MS 38901
101 Lyon Drive, Grenada, MS 38901
102 Lyon Drive, Grenada, MS 38901
103 Lyon Drive, Grenada, MS 38901
104 Lyon Drive, Grenada, MS 38901
105 Lyon Drive, Grenada, MS 38901
106 Lyon Drive, Grenada, MS 38901
108 Lyon Drive, Grenada, MS 38901
110 Lyon Drive, Grenada, MS 38901
112 Lyon Drive, Grenada, MS 38901
114 Lyon Drive, Grenada, MS 38901

126 Lyon Drive, Grenada, MS 38901
127 Lyon Drive, Grenada, MS 38901
133 Lyon Drive, Grenada, MS 38901
144 Lyon Drive, Grenada, MS 38901
146 Lyon Drive, Grenada, MS 38901
148 Lyon Drive, Grenada, MS 38901
152 Lyon Drive, Grenada, MS 38901
158 Lyon Drive, Grenada, MS 38901
166 Lyon Drive, Grenada, MS 38901
194 Lyon Drive, Grenada, MS 38901
206 Lyon Drive, Grenada, MS 38901
208 Lyon Drive, Grenada, MS 38901
210 Lyon Drive, Grenada, MS 38901
212 Lyon Drive, Grenada, MS 38901
109 Tallahoma Drive, Grenada, MS 38901
113 Tallahoma Drive, Grenada, MS 38901
139 Tallahoma Drive, Grenada, MS 38901
145 Tallahoma Drive, Grenada, MS 38901
151 Tallahoma Drive, Grenada, MS 38901
153 Tallahoma Drive, Grenada, MS 38901
155 Tallahoma Circle, Grenada, MS 38901
116 Rockwell Circle, Grenada, MS 38901
118 Rockwell Circle, Grenada, MS 38901
120 Rockwell Circle, Grenada, MS 38901
122 Rockwell Circle, Grenada, MS 38901
124 Rockwell Circle, Grenada, MS 38901
138 Pittsburg Circle, Grenada, MS 38901, and
the Playground located in the middle of Tallahoma Circle.

The Access Authorization that the EPA requests be signed by your clients for the addresses listed above is attached to this email. Sampling in and around the residences for assessment of potential Vapor Intrusion will include additional investigative activities including, but not limited to, the following tasks: 1) sub-slab vapor sampling, including the installation or reinstallation of sampling ports into the slab or basement floor; 2) air sampling via hose connected to the Trace Atmospheric Gas Analyzer mobile laboratory and summa canister; 3) assessment, inventory and removal of certain household containers (replaced upon completion of all sampling activities); and 4) assessment of the residential structure. Representatives may include contractors and/or subcontractors hired by EPA, other federal and state agencies, and their agents. The EPA and/or its representatives would be entering upon the properties to perform the identified activities at reasonable times as mutually scheduled with the resident/homeowner.

The EPA requests access beginning on June 18, 2018 for the start of the June 2018 sampling event scheduled by the EPA. The grant of access will be effective for the duration of the data sampling and remedial activities. The EPA anticipates that remedial activities will commence on June 18, 2018 and requests for access to be effective until remedial activities are complete. However, actual start and completion dates cannot be predicted with certainty and are subject to schedule conflicts and unforeseen circumstances. Since time is short, please discuss with your clients the need to have signed Access Authorizations returned to the EPA as soon as possible, but no later than June 13, 2018. Without signed Access Authorizations, the EPA will be delayed in performing the full scope of the scheduled sampling event necessary to continue to monitor and evaluate any potential risks of exposure to the residents.

Pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980(CERCLA), 42 U.S.C. 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Public Law 99-499), the EPA has the express authority to acquire access to property affected by hazardous substances and to conduct the planned sampling activities. If a request for access is denied, an administrative order directing compliance with the request may be issued, civil action to compel compliance may be initiated, or access may be sought by any other lawful means.

If you should have any legal questions for EPA, please contact me at (404) 562-9700. If you have any technical questions regarding sampling and remedial activities at the Site, please contact Shelby Johnston, Remedial Project Manager, at (404) 562-8287. Your immediate assistance and cooperation in securing the necessary access authorizations is greatly appreciated.

Sincerely,

Susan E. Hansen
Chief, Office of RCRA/CERCLA Legal Support
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
Office: (404)562-9700
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hansen.susan@epa.gov

From: Lorrie Mckeever [mailto:Lorrie@tedlyon.com] **On Behalf Of** Ted Lyon
Sent: Wednesday, June 6, 2018 1:57 PM
To: Smith, Stephen <Smith.Stephen@epa.gov>; Marquette Wolf <mwolf@tedlyon.com>; Ted Lyon <tblyon@tedlyon.com>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>; Lodin, Marianne <Lodin.Marianne@epa.gov>
Subject: Grenada

It has recently come to our attention that the EPA has obtained authorizations for testing from several of our clients.

Please be advised that any authorization executed by our clients in Eastern Heights for testing has now be "**REVOKED**".

Specifically, but not exclusive of the following Eastern Heights clients:

- Personal Phone / Ex. 6 – 148 Lyon Drive
- Personal Phone / Ex. 6 s - 139 Tallahoma Dr.
- Personal Phone / Ex. 6 r - 109 Tallahoma Circle
- Personal Phone / Ex. 6 n - 122 Rockwell Circle
- Personal Phone / Ex. 6 - 168 Lyon Dr.
- Personal Phone / Ex. 6 y - 98 Lyon Dr.
- Personal Phone / Ex. 6 s - 120 Rockwell Circle
- Personal Phone / Ex. 6 18 Rockwell Circle

Please do not hesitate to contact Ted Lyon on his person cell phone to discuss this matter (214) 802-4798.