Message

From: Bentkowski, Ben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ED86A857346D4D969F2C07E3542B8883-BENTKOWSKI, BEN]
Sent: 6/14/2018 9:11:41 PM
To: Johnston, Shelby [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e7ed660a4444005a74a05702ef09e0e-Johnston, Shelby]; Freeman, Caroline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a6490d5527f0481788a507857ff88527-Robinson, Caroline]; Matory, Derek [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2eae80777318422db055835677207308-Matory, Derek]; Ferreira, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3ffe06b4576f46c4adfcb5a54ad7b646-Ferreira, James]
CC: Adams, Glenn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c79e328cd4484265b012dfa81663f5e7-Adams, Glenn]
Subject: FW: Docs related to CSIA Testing performed by Meritor
Attachments: CSIA_Fact_Sheet.pdf; Emails re CSIA testing.pdf; June 2018 CSIA Meeting Notes - Jim Peeples.pdf; Privilege Hearing Transcript - CSIA Highlights.pdf; Rockwell Comprehensive Study Area Groundwater Investigation.pdf; Partial map of CSIA locations Granada.pdf

Shelby,
Glenn and I received this email from Franklin who received from the folks listed below. In a nutshell, Meritor and T&M/Jim Peeples were wondering "Is the residential plume significantly different than the facility plume"? That's a quote from some of Jim Peeples hand written notes of May 16, 2017.
The email below has a link to four documents that describe the generation of the idea to do some Compound Specific Isotope Analysis to answer the question above and the approval for doing that work and the legal discussions about where those results are and are they discoverable. I have downloaded the documents and attached them for your convenience.

Compound Specific Isotope Analysis, from the attached ITRC fact sheet:

What does CSIA do?

CSIA is a laboratory method in which samples collected from the field are analyzed to give information that can be valuable for assessing environmental forensics or contaminant fate. Each element in a compound has a distinct isotopic ratio. For a given element the isotopic ratio is known to within a few percent; however, that ratio can change in systematic ways during the course of biodegradation or other processes. CSIA measures these small changes in isotopic ratios very precisely. Those changes can be exploited to gain important information about the source, transport, and fate of a compound. Table 1 includes information about environmentally relevant elements to which CSIA is often applied.

Reading all the attachments and all the way down this email is very interesting. It seems that the CSIA work was performed on samples collected from 16 monitoring wells from every major and minor plume in the Granada area, mostly shallow, a few deep. This would be very interesting data to have. In fact Jim Ferreira and I talked about doing this type of forensic analysis a couple of weeks ago. If the TCE from the source area MW-25 has the same isotopic fingerprint as the TCE from the off-site plumes, that could potentially be very damning evidence for the responsible party/parties.

In reading the transcript of a court proceeding of February 1, 2018, it appears that the results do exist and Meritor's(?) lawyer was fighting to keep the results from being discovered, legally as part of some privileged communication or privileged actions of Jim Peeples. My conclusion from reading the long legal discussion is that if the results exonerated Meritor, they probably would not have fought so hard to keep them from being

undiscovered. Maybe the forensic results do not exonerate Meritor. Franklin believes it is important for us to get a copy of those results and asked me to send this email to you and ask you to develop a strategy to obtain those results through Enforcement or Legal or whatever.

I am in the office tomorrow and next week I am on the road to Paducah, KY. Monday, I'll be driving and could be on a call, but not at 11:30 – 12:30. I've also plotted most of the sampled locations on a figure and scanned it in, for your convenience.

Thanks,
Ben

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From: Hill, Franklin
Sent: Thursday, June 14, 2018 2:12 PM
To: Adams, Glenn <Adams.Glenn@epa.gov>; Bentkowski, Ben <Bentkowski.Ben@epa.gov>
Cc: Chaffins, Randall <Chaffins.Randall@epa.gov>
Subject: FW: Docs related to CSIA Testing performed by Meritor

Guys can you take a look at this and tell me what this Attorney is alledging

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From: Lawrence Deas [mailto:Lawrence@listondeas.com]
Sent: Thursday, June 14, 2018 11:50 AM
To: Johnston, Shelby <Johnston.Shelby@epa.gov>; Hill, Franklin <Hill.Franklin@epa.gov>
Cc: Mark w <mwolf@tedlyon.com>; Ted Lyon <tblyon@tedlyon.com>; Jim Brinkman [redacted] Personal Phone / Ex. 6
David N. Jenkins [redacted] Personal Phone / Ex. 6 <[redacted] Personal Phone / Ex. 6 'simonton@marshall.edu'
<simonton@marshall.edu>; William Liston III <William@listondeas.com>; Lawrence Deas <Lawrence@listondeas.com>
Subject: Docs related to CSIA Testing performed by Meritor

Ms. Johnson,

The link at the bottom of this email provides access to a dropbox folder containing a number of documents recently obtained (again after a long privilege fight) regarding Compound Specific Isotope Analysis Testing performed by Meritor on samples taken from the Facility Plume, the North Moose Lodge Road Plume, the South Moose Lode Road Plume and the Eastern Heights Plume. The samples were collected in late June 2017 and sent to the University of Oklahoma for analysis. We do not have, currently, access to the results. Meritor made every effort to keep us from learning about even the existence of this testing, from which we infer a great deal.

To us, the import of this information in the context of the EPA's investigation is considerable. As you well-know, Meritor has consistently taken the improbable position that the contamination found off-site is not attributable to the Facility and that Meritor is therefore not responsible for its remediation. It appears, however, that Meritor likely has in its possession scientific testing that either does not support or definitively disproves those assertions.

Included in these materials are:

1. Handwritten notes from Jim Peeples, the T&M project manager;
2. Emails related to the sampling performed for the CSIA analysis, including locations of the wells sampled and the plumes involved;
3. A transcript of the privilege hearing held by the Court, which was sealed until recently, but which is now public record. The portions relevant to the CSIA testing have been highlighted.

The link to the CSIA materials is:

https://www.dropbox.com/sh/ozyxn4n81hri05n/AABED3K3r6JrA-WNw-VBmkENa?dl=0

Please let me know if there are any difficulties in accessing the information or if you or any of your staff have additional questions or requests.

Best Regards,

Lawrence Deas

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From: Lawrence Deas
Sent: Wednesday, June 13, 2018 5:46 PM
To: johnston.shelby@epa.gov; 'hill.franklin@epa.gov' <hill.franklin@epa.gov>
Cc: Mark w <mwolf@tedlyon.com>; Ted Lyon <tblyon@tedlyon.com>; Jim Brinkman [redacted] Personal Phone / Ex. 6
David N. Jenkins [redacted] Personal Phone / Ex. 6 'simonton@marshall.edu' <simonton@marshall.edu>; William Liston III (William@listondeas.com) <William@listondeas.com>; Lawrence Deas (Lawrence@listondeas.com) <Lawrence@listondeas.com>
Subject: Docs related to the PRB

Dear Ms. Johnson,

After reading the email below, and your reply to David, I wanted to take the opportunity to provide you and your colleagues with additional materials we have obtained related to some of the topics raised in that correspondence. At the bottom of this email is a link to a folder containing the first of those materials, which comprise several documents related to the PRB installed by Meritor at the Grenada site. With a couple of exceptions, these documents were only recently obtained after a lengthy privilege battle with Meritor. They are not subject to any protective order or other restriction by the Court.

For the purposes of clarity, the handwritten notes are from notebooks kept by Jeff DaLaet, the T&M Associates executive in charge of the Grenada Project. The powerpoint presentations were prepared for Meritor executives by their environmental contractors.

I will leave it to you to draw your own conclusions from the documents provided, but it appears plain to us that Meritor has known since at least 2006 that the PRB was not working properly, yet has nevertheless been unwilling to engage in additional remedial efforts to reduce the upgradient contamination.

I will provide additional documents related to other issues as we are able to collect and prepare them for transmission.

Thank you for your consideration, and please feel free to call me directly should you have questions about any of the attached, or about any other information we might potentially provide that would be of assistance to the EPA in the course of its investigation.

The link to the PRB materials is:

https://www.dropbox.com/sh/0uputaqayocai70/AAC2cUOMl-210dyn-ql6jtX2a?dl=0

Best Regards,
Lawrence Deas

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From: David N. Jenkins <Personal Phone / Ex. 6
Sent: Wednesday, June 13, 2018 11:42 AM
To: johnston.shelby@epa.gov
Cc: Mark w <mwolf@tedlyon.com>; Ted Lyon <tblyon@tedlyon.com>; Lawrence Deas <Lawrence@listondeas.com>; Jim Brinkman Personal Phone / Ex. 6
Subject: Grenada Docs

Hi Shelby, Here are some documents that we discussed yesterday regarding the Grenada Site. Three of these show TCE trends in monitoring wells at the Grenada site. The most recent evaluation uses data from 2015. I have some more recent data from the EPAR4 DART database, but have invested the time to process these data.

After you have looked at these documents and the others being sent to you from Ted Lyon & Assoc. we should have a long talk. The TCE trend data show a few obvious things.

First, the migration of contaminated groundwater is not under control. Most of the wells evaluated are on Grenada Property because these wells are usually old enough to have at least 4 annual samples. Trend analysis with fewer samples probably isn't reliable. If we evaluate the more recent data we might be able to add some more wells to the list of wells with reliable TCE trends.

Second, TCE is decreasing in some shallow wells simply because it is moving downward into deeper portions of the aquifer. Interpretation of TCE distribution must be done in 3D. Look at the RT-x wells around the equalization pond and at the well pair MW-5 and MW-10 for example for evidence of downward migration.

Third, the PRB doesn't work. The PRB does not protect Riverdale Creek. The PRB doesn't capture the entire width of the known plumes. Use the maps in the Grenada reports to find wells down gradient or at the ends of the PRB, then look at the TCE trends in these wells before and after January 2005 when the PRB was installed. TCE downgradient from the PRB is not remediated and discharges to Riverdale Creek.

Fourth, at least 4 TCE plumes cross Moose Lodge Road (MLR) and the north-south RR tracks and flow westward toward the Grenada Property, the Eastern Heights subdivision and ultimately to Riverdale Creek. You should see the maps and cross-sections in the various annual reports to help evaluate the trends. We have information regarding the sources of these 4 plumes.

Fifth, all but one of the plumes which cross MLR are known to have contaminated both the shallow and deep portions of the upper aquifer. I believe the southern most plume also has reached the lower aquifer too,

the there aren't enough monitoring wells in that area to find the deep plume.

The first point may be the most important. The trend graphs should convince you that the migration of contaminated groundwater is not under control within the Grenada property. Contaminated groundwater from the MLR sites flow through the same aquifer to the same natural discharge area (Riverdale Creek). Even though we haven't done trend analyses for the MLR wells and other samples collected since 2015, there is no reason to believe the MLR plumes will behave differently from the plumes on the Grenada Property. TCE concentrations in groundwater will increase beneath the Eastern Heights Subdivision. TCE will migrate beneath more of the Eastern Heights neighborhood. I believe that some sort of hydraulic containment must be established as soon as possible to protect the neighborhood and Riverdale Creek. This must be something which works, not another PRB.

As I said when we talked on the phone yesterday, the maps in the 2016 MLR Additional Investigation report (PDF p.94&94/2563) are not accurate and do not show the extent of contamination. The figures at the end of the 2018 Comprehensive Study Area report (PDF p.3496/3501) are better, but incomplete. The cross-sections in the 2016 MLR Additional Investigation report (beginning on PDF p.96/2563) are very useful, but you have to be careful to interpret the concentrations using the individual sample concentrations in ug/L NOT the Total Chlorinated Ethenes in micromohs. For example, the cross-section A-A' shows that nearly every TCE sample in the entire cross-section exceeds the MCL. That makes a plume hundreds of feet wide and 50 feet deep, and the trend graphs show the concentrations are going up.

I probably could list quite a few more points, but this should be enough to get you started. Call me anytime you want to talk about this stuff!

Dave

Personal Phone / Ex. 6