Message

From: Smith, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03D8CE93CED5436DA4BFC87EE709682A-SMITH, STEPHEN]
Sent: 5/17/2018 1:49:35 PM
To: Ted Lyon [tblyon@tedlyon.com]
Subject: RE: Grenada

Will do. Talk then.

Stephen P. Smith
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ph: (404) 562-9554
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smith.stephen@epa.gov

From: Mandi Murphy [mailto:mmurphy@tedlyon.com] **On Behalf Of** Ted Lyon
Sent: Thursday, May 17, 2018 9:40 AM
To: Smith, Stephen <Smith.Stephen@epa.gov>
Subject: RE: Grenada

Call me on my cell phone. Personal Phone / Ex. 6

Ted

From: Smith, Stephen <Smith.Stephen@epa.gov>
Sent: Thursday, May 17, 2018 7:14 AM
To: Ted Lyon <tblyon@tedlyon.com>; Marquette Wolf <mwolf@tedlyon.com>
Subject: RE: Grenada

Will do, Ted. I'll plan to call you around 2:30 PM EST.

Stephen P. Smith
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From: Mandi Murphy [mailto:mmurphy@tedlyon.com] **On Behalf Of** Ted Lyon
Sent: Wednesday, May 16, 2018 4:23 PM
To: Smith, Stephen <Smith.Stephen@epa.gov>; Marquette Wolf <mwolf@tedlyon.com>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Johnston, Shelby <Johnston.Shelby@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Ajanaku, Abena <ajanaku.abena@epa.gov>; Spurlin, Steve <Spurlin.Steve@epa.gov>; Woodruff, Kevin <Woodruff.KevinL@epa.gov>
Subject: RE: Grenada

Stephen,

I am available this afternoon or tomorrow afternoon after 1:30pm. You can call my office at (972) 279-6571 or my cell at Personal Phone / Ex. 6

Thanks you,

Ted Lyon

TED B. LYON & ASSOCIATES

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From: Smith, Stephen <Smith.Stephen@epa.gov>
Sent: Tuesday, May 15, 2018 4:32 PM
To: Marquette Wolf <mwolf@tedlyon.com>; Ted Lyon <tblyon@tedlyon.com>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Johnston, Shelby <Johnston.Shelby@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Ajanaku, Abena <ajanaku.abena@epa.gov>; Spurlin, Steve <Spurlin.Steve@epa.gov>; Woodruff, Kevin <Woodruff.KevinL@epa.gov>
Subject: RE: Grenada

Thanks for your email, Marquette. Please see the Q&A below regarding your request for information related to upcoming sampling. Let's schedule a time tomorrow (or Thursday if needed) to discuss.

Ted – Please let me know your availability.

…

Who will do the testing?
EPA scientists and EPA's contractor, Black & Veatch, will perform the testing. EPA will oversee all sampling performed by its contractor.

What compounds will be tested for?
EPA will test for volatile organic compounds in ambient air, including:

Benzene
Toluene
Ethylbenzene
Xylenes
1,2,4- trimethylbenzene (1,2,4-TMB)
Chloroform

Methylene chloride
1,1-Dichloroethene (1,1-DCE)
1,1-Dichloroethane (1,1-DCA)
Cis-1,2-Dichloroethene (cis-1,2-DCE)
Trans-1,2-Dichloroethene (trans-1,2-DCE)
Tetrachloroethene (PCE)
1,1,2-Trichloroethane (1,1,2-TCA)
TCE
Vinyl Chloride

When will the testing be performed?
From May 16-18, EPA will test outdoor air in and around the Eastern Heights neighborhood for TCE. The data will inform future sampling planned for July 2018 of indoor air and air under the foundations of homes located over the TCE-contaminated groundwater plume in the southern part of the neighborhood. EPA will ask property owners for permission before testing their property. A map of locations EPA is proposing to sample, is attached.

When will the results be delivered to EPA, us (Ted B. Lyon & Associates, P.C.) and anyone else?
Receipt of validated sampling results is dependent on lab turn-around, but typically takes around 60 days. Homeowners and residents of each property that is tested will be sent an individual letter detailing their results. A fact sheet summarizing the results will be mailed to residents and also made available publicly on EPA's website.

Whether the responsible parties (including Meritor or Grenada Manufacturing) will have any role in the testing including (design of the protocol, receipt of the results, consultation with Region 4 or any of those involved in the testing)?
In response to community concerns expressed at the February 2018 public meeting and subsequent community interviews, EPA's own scientists and contractor will conduct the sampling. The responsible parties have not had any role in designing the protocol. A fact sheet summarizing the results will be made available publicly on EPA's website.

Why the testing is now occurring?
During the February public meeting, EPA Region 4 committed to get boots on the ground in the community as quickly as possible. EPA expedited the Remedial Investigation and is using federal funding to conduct the sampling in Eastern Heights. Results from previous sampling performed in the neighborhood between 2015-2016 showed no immediate threat to public health due to TCE. This new round of sampling will help determine whether contamination has spread or conditions have changed. EPA is conducting the testing during the warmest months of the year when TCE is expected to most likely volatilize into air.

Whether the testing will need repeating?
This will depend on the what the results show. If EPA determines that additional sampling is needed, EPA will again request permission from homeowners before performing any testing at their property.

The specific protocol for the testing and the basis of the protocol?
Please see the attached ambient air sampling protocol and the portion of the draft field sampling plan that details the methodology for outdoor air sampling. EPA will make the sampling plan for all media (outdoor and indoor air) available publicly on EPA's website as soon as it is complete.

_____
Stephen P. Smith
Associate Regional Counsel
Office of Regional Counsel

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From: Marquette Wolf [mailto:mwolf@tedlyon.com]
Sent: Tuesday, May 15, 2018 11:37 AM
To: Smith, Stephen <Smith.Stephen@epa.gov>
Cc: Ted Lyon <tblyon@tedlyon.com>
Subject: Grenada

Mr. Smith:

It has come to my attention that Region 4 personnel are contacting my clients directly about testing in their homes. Please be mindful of DR 4.02 when addressing specific people about their specific homes; they are represented by counsel. We appreciate the community efforts at communicating information about program, activities, the NPL, public comments, etc., but at this granular level we feel that our clients may be prejudiced by any ex parte communication about their very specific property or health.

Again, I mean no innuendo here, rather I am simply mindful of the attached which we previously discussed when RCRA was running the show, then the following "fact" sheet that appeared to have been co-opted by Mr. Palmer, Ms. Fisher and their clients. As you hopefully understand, the timeline of the attached and the "fact" sheets have caused us concern.

As you know, in the past we have helped facilitate testing, not stood in the way of it. I am puzzled why Region 4 has a new tactic or why it would have a tactic at all.

Nevertheless, please provide us (your contact on this is Ted Lyon) with information regarding testing including: who will do the testing; what compounds will be tested for; when the testing will be performed; when the results will be delivered to EPA, us, anyone else; whether the responsible parties (including Meritor or Grenada Manufacturing) will have **any** role in the testing including (design of the protocol, receipt of the results, consultation with Region 4 or any of those involved in the testing); why the testing is now occurring; whether the testing will need repeating; the specific protocol for the testing and the basis of the protocol.

Mr. Lyon, your contact on this matter, is cc'd here and the office number is 972-279-6571.

Thank you for you attention to this matter. Please pass this along to the relevant personnel from Region 4 that may now be involved.

Marquette Wolf

Ted B. Lyon & Associates, P.C.

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