Message

From: Cohen, Amy [Cohen.Amy@epa.gov]
Sent: 1/4/2018 4:33:13 PM
To: Ides, Nan [Ides.Nan@epa.gov]; Riccio, Roberta [Riccio.Roberta@epa.gov]; Bennett, James [bennett.james@epa.gov]
CC: Lee, Matthew T. [lee.matthew@epa.gov]
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Nan, Thanks for the info. There are certainly a few things to discuss. But FYI, the drinking water aspect of her complaint has to do with the exact road that was covered under the 2003 EPA Order and those folks have had a treatment on their homes provided by Mountaire since 2003. Plus on Nov 30, 2017 Mountaire sent their contractor out to all those homes again and had all the homes serviced, updated and tested and all homes are well under the MCL for Nitrates and she is aware of that information.

From: Ides, Nan
Sent: Thursday, January 04, 2018 11:23 AM
To: Riccio, Roberta <Riccio.Roberta@epa.gov>; Cohen, Amy <Cohen.Amy@epa.gov>; Bennett, James <bennett.james@epa.gov>
Cc: Lee, Matthew T. <lee.matthew@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Roberta and Amy:
As Jim knows and you'll soon find out, RAV is not an interactive system. Responding to the "tipper" (or is it tipster?!) is totally separate from entering something in the RAV system. The person submits a tip or complaint and receives confirmation it was received and that's it. Nothing else, unless someone contacts them.

A little history. RAV was originally created for CID – (potential) criminal investigations. R3 stated using it due to all the fracking complaints years ago when we cancelled the 800 number fracking hotline number.
99.9% of the complaints and tips we receive via RAV are not EPA authority, they are state or local. Shawn Garvin, as the RA at the time, made the decision years ago, that forwarding each RAV tip/compliant to the state was considered "a valid response" from EPA. In the RAV system it is called "updating the disposition". There was not a specific timeframe for a response stated– as soon as it could be done.

Also, it was never explicitly stated, but checking up on the state's response actions, was not something EPA usually does with these complaints (except in specific cases), unless the state gets back to us on their own or EPA is involved (which has happened in many CW issues). I don't know if this all still holds true with a new RA and new administration. I certainly have not brought it up.

Matt – any comments on that?

With the above said, my feeling is that this RAV complaint may be one of those specific cases where we should respond to the citizen (sort of "nip it in the bud" - is that the correct expression?). I feel this way because we now have received another FOIA from

another agency. This may be the end, but there could be more requests and complaints in the future, especially if all the parties start talking to each other.
In the end, I understand **it is Jim's or Rick's decision how this is responded to,** not mine.

The FOIA response records have been made available to the original requestor and the RAV tipper, Maria Payan, but I'm not exactly sure if the FOIA response directly responds to her RAV complaint. Again, just my thoughts.

We can certainly have a quick discussion on Monday if you wish -I'm in all next week.

Nan

Nan L. Ides
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From: Riccio, Roberta
Sent: Thursday, January 04, 2018 10:52 AM
To: Cohen, Amy <Cohen.Amy@epa.gov>; Ides, Nan <Ides.Nan@epa.gov>; Bennett, James <bennett.james@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Hi Nan
I'm awaiting a new password for RAV.

When I get into RAV I can email her to state that EPA (Amy Cohen) recently addressed the drinking water questions through FOIA and phone conversations, and when we have any updates as to any further actions by EPA and or DNREC we will update her. I can put email summary in RAV?

R
Roberta Riccio
Ground Water and Enforcement Branch (3WP22)
US EPA Region III
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215.814.3107
Riccio.roberta@epa.gov

From: Cohen, Amy
Sent: Thursday, January 04, 2018 9:55 AM
To: Ides, Nan <Ides.Nan@epa.gov>; Bennett, James <bennett.james@epa.gov>; Riccio, Roberta

<Riccio.Roberta@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Jim is off today. And I'm off tomorrow. I'll get with him on Monday.
We are kinda sure DNREC is still getting their game plan together which is why they haven't told us what it is yet.

Is there a timeframe for when we have to reply to this complaint?
Does it need to be in writing?
Does it need to be official or can I just call her and re-re-explain the situation (as it pertains to us) to her.

From: Ides, Nan
Sent: Thursday, January 04, 2018 9:49 AM
To: Cohen, Amy <Cohen.Amy@epa.gov>; Bennett, James <bennett.james@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

To all:
Kate is out of the office for the next two weeks. Should this issue be forwarded to anyone else – Rick, Dom, Cosmo? Or you think it can wait until Kate is back in the office?

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From: Cohen, Amy
Sent: Wednesday, January 03, 2018 2:09 PM
To: Ides, Nan <Ides.Nan@epa.gov>; Bennett, James <bennett.james@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

We are waiting to hear the outcome from Kate's reaching out to her counterpart at DNREC t

Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

From: Ides, Nan
Sent: Wednesday, January 03, 2018 2:07 PM
To: Bennett, James <bennett.james@epa.gov>; Cohen, Amy <Cohen.Amy@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Guidance from Rick? Kate? Cosmo? HQ?

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From: Bennett, James
Sent: Wednesday, January 03, 2018 1:24 PM
To: Ides, Nan <Ides.Nan@epa.gov>; Cohen, Amy <Cohen.Amy@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Nan
We don't have EPA's position at this point. We are still waiting for guidance on what steps forward

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From: Ides, Nan
Sent: Wednesday, January 03, 2018 12:39 PM
To: Cohen, Amy <Cohen.Amy@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>; Bennett, James <bennett.james@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Amy:
I just talked with Mike G. so I understood what was happening.
Mike was only responding to this RAV for the CW NPDES part of this issue – he spoke with DNREC and forwarded the RAV to the state.
The RAV still needs a DW response

I guess you could forward the DW side of the complaint to DE, but **my suggestion would be to draft a desk statement** (not for press, but for the public) stating EPA's position – just in case there are more complaints coming in. It might say that there is nothing EPA can do at this time due to actions taken by the state, but it would help if it was in writing and all callers/complaints received the same response.

Yes, sending the complaint to the state is a valid response (per Shawn Garvin) however I think that we need to have a desk statement ready for any future complaints and to ask if they are responding to her (I know we don't have the authority to "make" them respond, but…..).

Jim has access to RAV: I can't remember who else in your office has a password (Jeremy or Kevin?).
Updating RAV is totally separate to responding to the requestor.

Nan

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From: Cohen, Amy
Sent: Wednesday, January 03, 2018 12:11 PM
To: Ides, Nan <Ides.Nan@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Nan, do we have to respond to Personal Matters / Ex. 6 directly in reference to this? And how will I know if it is me?
Mike Greenwald said last week he'd forward it to the state.
Who updates RAV? and if its me, are there instructions that you can point me towards.

thanks

From: Ides, Nan
Sent: Wednesday, December 27, 2017 4:28 PM
To: Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>
Cc: Bennett, James <bennett.james@epa.gov>; Cohen, Amy <Cohen.Amy@epa.gov>
Subject: FW: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

Andy, Mike:
Pleae read the submitted RAV complaint and Amy Cohen's message to me.
Amy will contact you early next week about this RAV complaint.
As I understand, Andy, you are familiar with this issue.
Amy just completed a FOIA from Personal Matters / Ex. 6 requesting all records related to the issue and those records shoud be available to her in FOIAOnline by the end of this week.

Due to the DNREC NOV, Personal Matters / Ex. 6 is not getting the specific information she wants (or the answers she wants), but possibly the issue can be looked at through clean water amd something more can be done.

Mike: If you are working tomroow, Amy will be working at home if you want to call and gt some background.

Nan

From: Cohen, Amy
Sent: Wednesday, December 27, 2017 9:51 AM
To: Ides, Nan <Ides.Nan@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Cc: Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Bennett, James <bennett.james@epa.gov>; Lee, Matthew T. <lee.matthew@epa.gov>
Subject: RE: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

All; Most of Personal Matters / Ex. 6 complaints below have to do with the recent violations of the spray irrigation permit and DNREC NOV.
We are already responding to a FOIA from her regarding the 7 affected homes that were supplied alternate drinking water in our 2003 Order.
She has addressed the concerns she mentioned below to me on several occasions and I told her that issues with the spray irrigation are a DNREC issue since they issued the permit.
I touched base with Andy Dinsmore as a heads up a couple of weeks ago.
Andy Duchovnay is the new attorney assigned to the case. We have had meetings with Rick Rogers and Cate McManus and the RA has also been unofficially briefed by Cate on the drinking water portion of the issue as it pertains to our 2003 Order.

I can give anyone an update as needed.
But I think someone else needs to contact Personal Matters / Ex. 6 other than me, because like I stated, we have had several conversations and she is not satisfied with the limited scope of my responses, otherwise she would not keep pursuing the issue.

I'm in the office til 5 today and working AWL tomorrow, off on Friday, back in at 7am on the 2nd.

Amy J. Cohen
Environmental Scientist
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Lifestyle TRIAD ~ *Sustainability is about creating good lifestyles - with behavior, values and ethics*

From: Ides, Nan
Sent: Wednesday, December 27, 2017 9:18 AM
To: Cohen, Amy <Cohen.Amy@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Cc: Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Bennett, James <bennett.james@epa.gov>; Lee, Matthew T. <lee.matthew@epa.gov>
Subject: FW: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

To all:
This is a site that Amy and Roberta have been dealing with in DW enforcement.

Amy, Roberta, can you respond to this citizen?

Thanks
Nan

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From: lee.matthew@epa.gov [mailto:lee.matthew@epa.gov]
Sent: Wednesday, December 27, 2017 9:09 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Bennett, James <bennett.james@epa.gov>; Harris, Reggie <HARRIS.REGGIE@EPA.GOV>
Cc: Ides, Nan <Ides.Nan@epa.gov>; Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>
Subject: FWD: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware

12/27/2017

SUBJECT: FWD: (Investigations/Other - FY18-165061-3800-CV) Referred to Region - Delaware
FROM: lee.matthew@epa.gov
TO: greenwald.michael@epa.gov, bennett.james@epa.gov, harris.reggie@epa.gov
CC: ides.nan@epa.gov, dinsmore.andrew@epa.gov

The following Tip/Complaint was received from the EPA website. Please take appropriate follow-up action and track those actions in the RAV system. If you feel another POC should be included in the Tip correspondence, please forward them the Tip through the RAV system.

-----Original Message-----

12/20/2017 12:02 PM

HQ LEAD NUMBER: FY18-165061-3800-CV

SUBJECT: Referred to Region - Delaware

FROM: Personal Matters / Ex. 6

TO:

Name: Personal Matters / Ex. 6

Address: Personal Matters / Ex. 6

City: Personal Matters / Ex. 6

State: Delaware

Zip: Personal Matters / Ex. 6

Phone: Personal Matters / Ex. 6

Alleged Violator's Name: Mountaire

Alleged Violator's Address: 29005 John J Williams Hwy

Alleged Violator's City: Millsboro

Alleged Violator's State: Delaware

Alleged Violator's Zip: 19966

Tip or Complaint: I have documents, videos , pictures etc . How can I get these to you? Personal Matters / Ex. 6 recent water sample. The nitrates are 25 and the water does not meet water quality standards for nitrates and coliform. Mountaire put a water treatment system in her home as part of the consent order from 2003. Obviously, there are problems here and public health concerns. I sent some still shots and video to DNREC, as I had great concerns about violations from operating the sprayfields in conditions that were causing runoff and windy conditions. I asked DNREC if these were violations of their permit. I also submitted still shots and video of solids coming out of the end of the sprayers, which the neighbors said gagged them and was being sprayed very close and blowing onto their property. I have the 20-page NOV and am requesting that this be investigated. They were not given permission , nor does their permit allow solids to be sprayed from the end of the sprayers. There was also sampling done at the wrong sampling locations and diversion of pipes from the pond to the pivots. I am wondering per Delaware code if may be criminal, beyond permit overages and the EPA's thoughts on this. This is an EJ community and now there are numerous wells contaminated and serious health concerns - from miscarriages to seizures, birth defects, asthma, COPD -among many others. A 24 yr old died on Herbert Lane. The contamination has spread way beyond Herbert Lane now. Some links to articles: Mountaire offers to dig new wells for 88 neighbors - The News Journal www.delawareonline.com/story/news/local/2017/12/.../mountaire.../957918001/ 4 days ago - The Sussex County chicken plant accused of polluting groundwater near Millsboro now says it will pay to dig deeper wells for 88 of its neighbors or connect them to a public water supply.Mountaire Farms made the announcement Friday evening in a release to local media. A spokesman for the company ... Millsboro-area neighbors don't trust Mountaire to ... - The News Journal www.delawareonline.com/story/news/local/2017/12/...mountaire.../944250001/ Dec 12, 2017 - Millsboro-area residents are saying no thanks to nitrate removal systems from MountaireFarms, which may have polluted their wells. Poisoned wells found near Sussex chicken plant - The News Journal www.delawareonline.com/story/news/local/2017/11/30/...mountaire.../911645001/ Nov 30, 2017 - A number of private wells near a Millsboro-area poultry processing plant that was recently cited for polluting the groundwater have been found to be dangerously contaminated, according to state regulators. Water in 14 of 16 recently tested wells just south of a Mountaire Farms plant contains more nitrates ... Tainted water: 'I won't even give it to my dog' - The News Journal www.delawareonline.com/story/news/local/2017/12/08/...how.../926204001/ Dec 8, 2017 - Personal Matters / Ex. 6 never gave much thought to the poultry processing plant a little more than a mile from her home, other than holding her nose from the stench. But after her son, Personal Matters / Ex. 6 was born in June without a left ear or even an ear canal, Personal Matters / Ex. 6 couldn't help but wonder if living so close toMountaire ... DNREC finds high levels of fecal coliform at ... - The News Journal www.delawareonline.com/story/money/business/2017/.../mountaire.../848548001/ Nov 10, 2017 - Mountaire Farms is facing fines and other sanctions for polluting the groundwater near its Millsboro-area plant at levels several thousand times the legal limit, according to state regulators. The health risk is so severe that the state is requiring Mountaire to supply bottled water and drinking water treatment to ... Mountaire withdraws application to expand Millsboro facility www.delmarvanow.com/story/news/local/delaware/2017/.../mountaire.../767556001/ Oct 16, 2017 - (Photo: THE NEWS JOURNAL). CONNECTTWEETLINKEDINCOMMENTEMAILMORE.Mountaire has withdrawn its application for a coastal zone permit to expand its Millsboro facility. According to a DNREC release, the withdrawal was voluntary. "We are making this withdrawal at this time due to a recent ... Millsboro residents oppose Mountaire plant expansion www.delmarvanow.com/story/news/local/delaware/...mountaires.../623366001/ Aug 31, 2017 - A DNREC hearing at the Millsboro Civic Center Aug. 31 saw area residents in arms against an expansion of the nearby Mountaire plant.

Specific Directions: https://www.google.com/maps/place/Mountaire+Farms/@38.6011452,-75.2592361,15z/data=!4m12!1m6!3m5!1s0x0:0x1461afcd15ce40df!2sMountaire+Farms!8m2!3d38.6011452!4d-75.2592361!3m4!1s0x0:0x1461afcd15ce40df!8m2!3d38.6011452!4d-75.2592361

Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? Yes