Message

From: Bunker, Kelly [Bunker.Kelly@epa.gov]
Sent: 5/31/2018 2:08:04 PM
To: Pratt, Stacie [Pratt.Stacie@epa.gov]; Jamieson, Cheryl [Jamieson.Cheryl@epa.gov]; Rice, Scott [Rice.Scott@epa.gov]
Subject: RE: April letter to Hazleton Creek Properties Item # 3
Attachments: beneficial use NON repsonse_SP_KB.docx

I added section citations, added Cheryl's sentence, moved one sentence and suggest the deletion of one sentence.

From: Pratt, Stacie
Sent: Thursday, May 31, 2018 9:26 AM
To: Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

I think that is a good suggestion. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks.

From: Jamieson, Cheryl
Sent: Thursday, May 31, 2018 9:24 AM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Attorney Client / Ex. 5

From: Pratt, Stacie
Sent: Thursday, May 31, 2018 9:18 AM
To: Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Thanks, Scott.

Kelly gave me some input to consider, and I did a tracked changes and included some of her thoughts as well as my own. I just tried to consolidate and simplify it a bit.

Please let me know if this works for everyone.

From: Jamieson, Cheryl
Sent: Thursday, May 31, 2018 9:11 AM
To: Bunker, Kelly <Bunker.Kelly@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Attorney Client / Ex. 5

From: Bunker, Kelly
Sent: Thursday, May 31, 2018 8:45 AM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Here is my suggestion for our message.

From: Rice, Scott
Sent: Wednesday, May 30, 2018 3:54 PM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Hey guys, I hope all is well. A Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Feel free to add, subtract or elaborate, and I'll fix it up asap and get it sent out to the four permitees that have responded. It will take a bit to look at their actual mailed responses (haven't received them all yet), but after I do, I'll summarize them for you and we can come up with an actual letter response that continues to address the issue, as well as any additional issues I find in the information they include with their official responses (if all that makes sense)... regards

---

From: Pratt, Stacie
Sent: Wednesday, May 30, 2018 12:59:29 PM
To: Rice, Scott; Jamieson, Cheryl; Bunker, Kelly
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Thanks, Scott. Please just keep me abreast as you have these discussions. As I mentioned, you are not in this alone – Feel free to utilize Cheryl and/or Kelly for any of these technical or legal conversations. You are definitely getting slammed at once, and I'll make sure you have the support that you need, when you need it.

Thanks.

From: Rice, Scott
Sent: Tuesday, May 29, 2018 2:32 PM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>
Subject: Fw: April letter to Hazleton Creek Properties Item # 3

I wanted to forward to you because as indicated in the response, some information we have received from PADEP may be incorrect.

I am having serious problems getting on the share drive today for some reason, which is where most of the documentation related to this issue is stored. Hopefully, connectivity will be better tomorrow. I am currently hooked up to a hot spot on my personal phone and don't want to burn all my data up. I hope to have a general draft response to send out for your review by tomorrow.

From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Tuesday, May 29, 2018 11:15 AM
To: Rice, Scott
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: Attached is a copy of the letter to you mailed today that advises THAT Hazleton Creek Properties' full response with documentation will be sent to you by June 5.

The letter does put EPA on notice that the information from the DEP employee, upon which EPA relied in its allegations, was false and a majority of the alleged shipments did not occur.

Thank you for your guidance on this issue. If you have any questions, please let me know.

Mark

EEI - Evergeen Environmental, Inc.
Mark M. McClellan
1017 Mumma Road, Suite 105
Wormleysburg, PA, 17043
717 232-7622
717 571-0584 (Cell)

From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Thursday, May 24, 2018 3:03 PM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Hey Mark. I'm playing catch up after being out of the office for three weeks. I can give you a ring tomorrow morning around 10 if that's OK?

From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Thursday, May 24, 2018 2:40:24 PM
To: Rice, Scott
Subject: FW: April letter to Hazleton Creek Properties Item # 3

Hi Scott: I hope you received my email below. If you are not on vacation is it possible to have a 10 min call either later today or tomorrow. I am running up on the deadline for the response to the April 24 letter and need to clarify a few things in the letter so I give you what you need. My number will be 717 571-0584

Thank you. Have a great holiday

Mark

EEI - Evergeen Environmental, Inc.
Mark M. McClellan
1017 Mumma Road, Suite 105
Wormleysburg, PA, 17043
717 232-7622
717 571-0584 (Cell)

From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Wednesday, May 23, 2018 3:31 PM
To: 'Rice, Scott' <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: Could you give me a call on my cell 717 571-0584. We are almost ready to submit our response to you re: the April 24 EPA letter but I need some clarification so I am sure we are responsive.

I am available the remainder of the day and after 10:00 tomorrow.

Thanks

Mark

EEI - Evergeen Environmental, Inc.
Mark M. McClellan
1017 Mumma Road, Suite 105
Wormleysburg, PA, 17043
717 232-7622
717 571-0584 (Cell)

From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Tuesday, May 8, 2018 1:50 PM

To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Cc: Pratt, Stacie <Pratt.Stacie@epa.gov>; daw, harry <daw.harry@epa.gov>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Hey Mark, sounds good. The address is 1060 Chapline Street, Wheeling WV 26003. Harry's e-mail is daw.harry@epa.gov

Thanks and Best regards

From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Tuesday, May 8, 2018 8:21:29 AM
To: Rice, Scott
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: We will be prepared to submit our response letter and extensive documentation to you later this week. You had advised me to send it to your W. VA address. Please confirm this is correct:

1060 Chapliane Street
Wheeling, W VA 26003

Also we would also like to send an electronic copy of the letter to Harry Daw. Could you please provide me with his email address.

Thank you.

Mark

EEI - Evergeen Environmental, Inc.
Mark M. McClellan
1017 Mumma Road, Suite 105
Wormleysburg, PA, 17043
717 232-7622
717 571-0584 (Cell)

From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Monday, April 30, 2018 4:02 PM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Hey Mark, everything below is acceptable. How much additional time will you need to look back at the older records. I understand the logistical considerations, as well as the regulatory ones. I understand if you cant come up with the older stuff. Let me know. I don't think an extension will be a problem. regards

---

From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Monday, April 30, 2018 3:33:15 PM
To: Rice, Scott
Subject: April letter to Hazleton Creek Properties Item # 3

Scott: Thank you for retuning my call this morning As we discussed Hazleton Creek Properties LLC intends to respond to the EPA letter by May 24 with detailed documentation that confirms all listed sources of Regulated fill and Clean Fill accepted at HCP with detectable levels of PCBs are not in violation of TSCA regulations.

However, your request for information in item # 3 cannot be collected within 30 days. The EPA request in # 3 request HCP to provide the total volume/tonnage of PCB -containing material with PCB concentrations of 2 ppm or greater that has been placed at the Hazleton site. This will involve an enormous amount of records to review covering 11 years.

As you are aware HCP has been conducting a voluntary site remediation of the 277 acre site for over eleven (11) years since 2007 under an Act 2 Special Industrial Area Agreement with DEP. The remediation project requires over 10 million cubic yards of approved off-site material to cap identified waste areas and bring the site to approved final grades to allow site redevelopment which is considered an "integral part" of the remediation plan approved by DEP in 2005. Since 2007 over 3 million tons of approved Regulated Fill, clean fill and other materials have been placed at the site.

In addition, under PA solid Waste Management Act, Chapter 287 of the DEP regulations and the Regulated Fill General Permit WMGR096, HCP is only required to maintain records for five (5) years)

For these reasons, we would like to request an extension of time to try to review records from 2007-2018 if available.

Let me know if this is acceptable.

Thank you.

Mark

EEI - Evergeen Environmental, Inc.
Mark M. McClellan
1017 Mumma Road, Suite 105
Wormleysburg, PA, 17043
717 232-7622
717 571-0584 (Cell)