Message

From: Mark McClellan [markmcclellan@evergreenenvironmental.com]
Sent: 10/30/2018 3:38:58 PM
To: Rice, Scott [Rice.Scott@epa.gov]
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Thank you. Perhaps HQ is aware of the 2014 EPA guidance that says it can be used as fill if pre-1978 & less than 50

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From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Tuesday, October 30, 2018 10:32 AM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

HQ and the region are having a meeting about this next Monday. It seems there may be differences of opinion/interpretation that need to be worked out before I invest any more effort in this. I'll let you know what comes of that meeting. regards

From: Mark McClellan [mailto:markmcclellan@evergreenenvironmental.com]
Sent: Tuesday, October 30, 2018 10:20 AM
To: Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: Were you able to get an answer to my question we discussed on our call several weeks ago?

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From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Thursday, September 20, 2018 1:34 PM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Hey Mark. I'll give you a call next week. No time this week. regards

From: Mark McClellan [mailto:markmcclellan@evergreenenvironmental.com]
Sent: Thursday, September 20, 2018 11:36 AM
To: Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: Can you give me a call on my cell 717 571-0584. There is a pending change in management and ownership of Hazleton Creek Properties, LLC and my future involvement is unclear.

Also, I assume you know DEP issued a draft revised Management of Fill policy this week that has a provision that a Reg fill site must receive EPA "written approval" for any material containing PCB 2 ppm or greater prior to submitting the Reg fill source to DEP to be deemed approved. EPA has no deadline nor statutory requirement to respond so this seems unworkable to me.

I need to discuss my status and the implications of this provision with you.

Thanks

Mark

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From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Tuesday, July 24, 2018 11:37 AM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Hi Mark, we are waiting on a response back from PADEP in regards to some proposals we presented to them. I hesitate to say anything definitively until we hear back from them. I expect something this week. Will let you know. regards

From: Mark McClellan [mailto:markmcclellan@evergreenenvironmental.com]
Sent: Tuesday, July 24, 2018 11:34 AM
To: Rice, Scott <Rice.Scott@epa.gov>
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: Any update on progress to resolve issues? At your convenience, please call me at 717 571-0584 to discuss.

Thanks

Mark

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From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Friday, June 22, 2018 11:26 AM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Hey Mark. Still working a few things out. I will call you next week to discuss. Have a good weekend.

From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Friday, June 22, 2018 10:58:24 AM
To: Rice, Scott
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: I understand DEP met with EPA at Reg III on Tuesday. In the HCP supplemental response, HCP requested a meeting with EPA. Is it premature?

At your convenience could you please give me a call at 717 232-7622 or my cell 717 571-0584 to discuss next steps.

Have a great weekend.

Mark

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From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Tuesday, June 5, 2018 1:33 PM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Hey Mark, that e-mail was just a general response I sent out to all entities that received an NON. No worries. Our phones have been whacked out for two days. I can't call out and can't get calls in, but I appreciate the update. There are going to be some more high level discussions in the coming weeks so stay tuned. regards

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From: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Sent: Tuesday, June 5, 2018 1:24:21 PM
To: Rice, Scott
Subject: RE: April letter to Hazleton Creek Properties Item # 3

Scott: Tried your phone and it has busy signal. If you have a moment please call me at 717 232-7622. We hope to have our final response to you late today and mailed overnight.

Thank you

Mark

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From: Rice, Scott <Rice.Scott@epa.gov>
Sent: Tuesday, June 5, 2018 1:04 PM
To: Mark McClellan <markmcclellan@evergreenenvironmental.com>
Cc: Pratt, Stacie <Pratt.Stacie@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; daw, harry <daw.harry@epa.gov>
Subject: Re: April letter to Hazleton Creek Properties Item # 3

Dear Mr. McClellan,

Thank you for your response to the Notice of Non-compliance and Information Request Letter that you recently received from EPA. EPA will be reviewing the response in the coming weeks to determine additional future actions. To clarify the regulatory standards that were referenced in the NONs and IRLs, EPA offers this response.

The Toxic Substances and Control Act, 15 U.S.C. Section 2605(e), and EPA implementing regulations at 40 C.F.R. Part 761 impose limitations on and requirements for the ***use*** of PCB-containing materials. Section 761.20(a) of the PCB regulations prohibit the ***use*** of PCB-containing materials, regardless of any concentration, other than in a totally enclosed manner, without an exemption. Any concentration is defined in the PCB Regulations under Section 7613 as the "Quantifiable Level/Level of Detection", which means 2 micrograms per gram from any resolvable gas chromatograph peak, i.e. 2 ppm.

The Pennsylvania Beneficial Use Permit and the Clean Fill Policy address the ***use*** of PCB-containing material, not the disposal of such material. As advised in EPA's Notice of Noncompliance, the ***use*** of PCB-containing material is restricted to less than 2 ppm.

I will be evaluating your response in the near future and will contact you if I need additional information If you have any questions, please email or call me at 304 231 0501.

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

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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

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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

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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@epagov>; 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

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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

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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

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