Message

From: Tuori, Thomas [ttuori@hselaw.com]
Sent: 12/10/2016 10:51:00 PM
To: Daly, Eric [Daly.Eric@epa.gov]; Ludmer, Margo [ludmer.margo@epa.gov]
CC: sam [sam.talarico@cbintegrity.com]; Horn, John [jhorn@hselaw.com]; 'Brian Stamm' [bgstamm@stammlaw.com]; Scholand, Gregory P. [gscholand@hselaw.com]
Subject: RE: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property
Attachments: removed.txt

Ok, thanks Eric, appreciate the input.

Have a nice weekend,
Tom

Thomas M. Tuori
Harter Secrest & Emery LLP, Attorneys and Counselors
1600 Bausch & Lomb Place, Rochester, NY 14604-2711
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From: Daly, Eric [Daly.Eric@epa.gov]
Sent: Saturday, December 10, 2016 5:46 PM
To: Tuori, Thomas; Ludmer, Margo
Cc: sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
Subject: RE: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property

Hi Tom:

From the data obtained by us, previous EPA divisions and the state, there is no removal action warranted at the Grace property.

As far as the Talarico Property, once we receive the preliminary soil samples results, we can then start the process of determining whether or not we can justify a removal action at the Talarico property. This will be based on the contaminants of concern identified, concentrations found and the calculated risk to those that utilize this driveway. At this time, I cannot give a good estimate on when this will all occur. However, I will keep you all posted with the milestones.

Thanks

From: Tuori, Thomas [mailto:ttuori@hselaw.com]
Sent: Saturday, December 10, 2016 4:16 PM
To: Daly, Eric <Daly.Eric@epa.gov>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>; Horn, John <jhorn@hselaw.com>; 'Brian Stamm' <bgstamm@stammlaw.com>; Scholand, Gregory P. <gscholand@hselaw.com>
Subject: RE: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property

Hi Eric,

Thank you for the update, we appreciate it.

Do you have an idea of when the EPA will make the decision regarding whether it will conduct a removal action at the Talarico and Grace properties?

Thank you,
Tom

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From: Daly, Eric [Daly.Eric@epa.gov]
Sent: Saturday, December 10, 2016 2:52 PM
To: Tuori, Thomas; Ludmer, Margo
Cc: sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
Subject: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property

Good Afternoon:

How are you? With the removal activities at the Niagara Falls Boulevard Site, the Steelworks Industrial Park Fire in Lackawanna and the holiday, it has been very hectic.

As you know, the gamma survey was conducted on both properties. The only area that exhibited elevated gamma was the end of the driveway on the Talarico Brothers property. So no other area was located and no elevated readings were observed on the properties.

We took soil samples from the driveway as well as a sample from the back of 738 Upper Mountain Road property (Which we considered background sample). Those samples were analyzed at our on-site lab here at the Niagara Falls Boulevard Site and then the samples were sent out to the certified laboratory. Once we have those certified laboratory results, I will forward you a copy.

Please let me know if you have any questions.

Regards,

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
908-420-1707
"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

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From: Tuori, Thomas [mailto:ttuori@hselaw.com]
Sent: Friday, November 18, 2016 11:03 AM
To: Daly, Eric <Daly.Eric@epa.gov>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>; Horn, John <jhorn@hselaw.com>; 'Brian Stamm' <bgstamm@stammlaw.com>; Scholand, Gregory P. <gscholand@hselaw.com>
Subject: RE: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property: November 10, 2016

Thank you Eric.

Thomas M. Tuori
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From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Friday, November 18, 2016 9:55 AM
To: Tuori, Thomas; Ludmer, Margo
Cc: sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
Subject: RE: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property: November 10, 2016

Good Morning:

EPA and contractor will be obtaining the soil samples from the properties today, 11/18/2016.

Thanks

From: Tuori, Thomas [mailto:ttuori@hselaw.com]
Sent: Monday, November 14, 2016 9:45 AM
To: Daly, Eric <Daly.Eric@epa.gov>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>; Horn, John <jhorn@hselaw.com>; 'Brian Stamm' <bgstamm@stammlaw.com>; Scholand, Gregory P. <gscholand@hselaw.com>
Subject: RE: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property: November 10, 2016

Thanks Eric. Please keep us posted on your schedule and findings.

We hope everyone in Lackawanna is doing ok.

Tom

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From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Monday, November 14, 2016 9:22 AM
To: Tuori, Thomas; Ludmer, Margo
Cc: sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
Subject: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property: November 10, 2016

Good Morning:

I apologize for not getting to you sooner. We were scheduled to perform the soil sampling at your property this past Friday. Unfortunately, I had to respond to the Steelworks Industrial Park Fire emergency response starting last Wed. We are starting to regroup today and I will try to perform this activity prior to the Thanksgiving break (11/22/16).

Thanks

From: Daly, Eric
Sent: Monday, November 07, 2016 10:35 AM
To: 'Tuori, Thomas' <ttuori@hselaw.com>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: 'sam' <sam.talarico@cbintegrity.com>; 'Horn, John' <jhorn@hselaw.com>; 'Brian Stamm' <bgstamm@stammlaw.com>; 'Scholand, Gregory P.' <gscholand@hselaw.com>
Subject: USEPA-738 Upper Mountain Road-Talarico Bros. Building Corp Property: November 10, 2016

Good Morning:

Attached is a draft gamma survey for the two properties. We did not see anything out of the ordinary for gamma except near the end of the Talarico Brothers property/driveway. However, we will be taking soil samples from that area as well other parts of the driveway and an area in the back of 738 Property (to compare with since it appears to be clean soil). We spray painted the areas in which will sample. Also, we ordered the utility survey which should already be marked out so we can excavate safe. We are planning to conduct this work on November 10th.

Please let me know if you have any questions.

Thanks

Regards,

Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II
ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
908-420-1707
"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

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From: Daly, Eric
Sent: Wednesday, October 12, 2016 3:58 PM
To: 'Tuori, Thomas' <ttuori@hselaw.com>; Ludmer, Margo <ludmer.margo@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>; Horn, John <jhorn@hselaw.com>; 'Brian Stamm' <bgstamm@stammlaw.com>; Scholand, Gregory P. <gscholand@hselaw.com>
Subject: 738 Upper Mountain Road-Talarico Bros. Building Corp Property: October 20-21, 2016
Importance: High

Good Evening:

I am back at the Niagara Falls Boulevard Site and wanted to give you all an update on our plans. Yesterday we received an access agreement for the Talarico Brothers property. So we can start making plans to perform gamma survey/soil sampling activities at both of your properties. Our tentative plan is to perform these activities on October 20th and 21st. We do not require anything from you and you do not have to be present. We just need to make sure you are aware in case someone questions our presence. Mr. Grace has also provided access for the 738 UMR property and has been informed of this date range.

Please let me know if there are any questions.

Thanks

Regards,

Eric

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Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

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From: Tuori, Thomas [mailto:ttuori@hselaw.com]
Sent: Tuesday, September 20, 2016 6:30 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>; Daly, Eric <Daly.Eric@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>; Horn, John <jhorn@hselaw.com>; 'Brian Stamm' <bgstamm@stammlaw.com>; Scholand, Gregory P. <gscholand@hselaw.com>
Subject: RE: 738 Upper Mountain Road-Talarico Bros. Building Corp Property [HSELAW-WORKSITE.FID662032]

Thank you Margo. Friday after 2 pm works for me.

Tom

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From: Ludmer, Margo [ludmer.margo@epa.gov]
Sent: Tuesday, September 20, 2016 6:07 PM
To: Tuori, Thomas; Daly, Eric
Cc: sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
Subject: RE: 738 Upper Mountain Road-Talarico Bros. Building Corp Property [HSELAW-WORKSITE.FID662032]

Hi Tom,

Thank you for your email. I can be available for a preliminary call this Friday afternoon. Would that work for you?

Margo B. Ludmer
Assistant Regional Counsel
U.S. EPA
Office of Regional Counsel, Region 2
NY/Caribbean Superfund Branch
(212) 637-3187

From: Tuori, Thomas [mailto:ttuori@hselaw.com]
Sent: Tuesday, September 20, 2016 5:24 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: sam <sam.talarico@cbintegrity.com>; Ludmer, Margo <ludmer.margo@epa.gov>; Horn, John <jhorn@hselaw.com>;

'Brian Stamm' <bgstamm@stammlaw.com>; Scholand, Gregory P. <gscholand@hselaw.com>
Subject: RE: 738 Upper Mountain Road-Talarico Bros. Building Corp Property [HSELAW-WORKSITE.FID662032]

Hi Eric,

Thank you for getting back to me. I was just about to email you as follow-up to my voice message last week.

Yes, our law firm, Harter Secrest & Emery (HSE), has been authorized by Mr. Talarico to communicate with the EPA on behalf of the Talarico Bros. Building Corp. in this matter. Mr. Talarico can confirm this with an email to you and Margo if you'd like.

Yes, HSE is working with The Stamm Law Firm to investigate possible claims by property owners on Upper Mountain Road and in the Lewiston area (and other property owners in the Grand Island-Niagara Falls-Lewiston region) against the generators of the radioactive wastes and/or other parties who may have liability for the wastes.

I would like to talk to you and/or Margo at your convenience about the EPA's plans and schedule with respect to the Talarico Bros. Building Corp. property (and the other properties on Upper Mountain Road where radioactive wastes have been identified).

We (HSE) have set up an electronic data room that contains 12 documents pertaining to the Talarico Bros. Building Corp. property. Eight of the documents in the data room are from the EPA's investigation of the property in 2013/2014. We received those documents from the EPA in 2015 via the agency's response to a "generic" open-ended FOIA request we submitted in September 2013 regarding radioactive slag sites in the Niagara Falls area. The data room also includes four other documents that you may be interested in, all of which are attached to this email:

- An abstract of title for the Talarico Bros. Building Corp. property.
- A map showing the boundaries of the Talarico Bros. Building Corp. property and other properties on Upper Mountain Road listed in the "Oak Ridge report" from 1986.
- A copy of the Oak Ridge report.
- A 1963 aerial photo showing large stock piles of material on the Holy Trinity Cemetery in the footprint of what is now the "hot spot" at the Cemetery.

Do you need the documents from the EPA's previous investigation? If so, we will send a link to our data room.

Please let me know when you and/or Margo are available for a preliminary call and whether you are available to meet next week when you return to the Niagara Falls area.

Thanks again.

Tom

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From: Daly, Eric [mailto:Daly.Eric@epa.gov]
Sent: Tuesday, September 20, 2016 4:35 PM
To: Tuori, Thomas
Cc: sam; Ludmer, Margo
Subject: 738 Upper Mountain Road-Talarico Bros. Building Corp Property
Importance: High

Good Afternoon Mr. Tuori:

I received your voicemail regarding the Talarico Bros. Building Corp (TBBC) owned property. At this time, my program is just reviewing existing data from another EPA program and making initial contact with the resident at 738 Upper Mountain Road and the Talarico Bros. Building Corp Property.

I have been in contact with Sam Talarico (copied) and he did mention bringing in his attorney. I assume that is you. However, your phone message mentioned you not being actually retained by Talarico Bros. Building Corp. So I am a little confused on that. I have copied my site attorney, Margo Ludmer.

Lastly, I have been informed that Stamm Law Firm has approached residents of Upper Mountain Road, drafting a group lawsuit and performed assessment work. Are you involved with this group or working separately.

Thanks

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

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