Message

**From**: Tuori, Thomas [ttuori@hselaw.com]
**Sent**: 10/19/2016 1:37:23 PM
**To**: Ludmer, Margo [ludmer.margo@epa.gov]
**Subject**: FW: 738 Upper Mountain Road-Talarico Bros. Building Corp Property: October 20-21, 2016 [HSELAW-WORKSITE.FID662032]
**Attachments**: removed.txt

Hi Margo,

Do you have a few minutes to discuss Eric's email from last Thursday? I'd like to have a preliminary call with you before putting our thoughts in an email (if you think that would be helpful).

Our research and analysis of fingerprinting protocols suggests that it would not necessarily be expensive. Some of the protocols are typical and inexpensive, but there are important and unique aspects of the analytical work that need to be carefully mapped out. I also have some high level thoughts based on analysis of prior data at the bowling alley and cemetery.

Thank you,
Tom

**Thomas M. Tuori**
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**From:** Daly, Eric [mailto:Daly.Eric@epa.gov]
**Sent:** Thursday, October 13, 2016 12:48 PM
**To:** Tuori, Thomas; Ludmer, Margo
**Cc:** sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
**Subject:** RE: 738 Upper Mountain Road-Talarico Bros. Building Corp Property: October 20-21, 2016 [HSELAW-WORKSITE.FID662032]

Good Afternoon Tom:

At this time, our efforts are focused on removal assessment at 738 UMR. So the gamma survey and soil sampling/analytical work performed will be geared towards that. However, a component of our job is enforcement. We would require more information regarding a potentially responsible party (PRP) and their associated useable waste stream data (either historical or obtainable for current analysis). We cannot spend money on analysis outside of our current scope of work to compare to phantom data. When we have more information on a PRP waste stream, Margo and I can present to our enforcement team for next steps. Presently, we have three ongoing sites in Niagara County and our resources need to be used efficiently.

Thanks

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**From:** Tuori, Thomas [mailto:ttuori@hselaw.com]
**Sent:** Wednesday, October 12, 2016 4:45 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: 738 Upper Mountain Road-Talarico Bros. Building Corp Property: October 20-21, 2016 [HSELAW-WORKSITE.FID662032]

Thank you Eric.

Would you and Margo be available for a call to discuss fingerprinting approaches?

Based on our experience, we believe that identification of the generator or generators of the slag may largely depend on the results of thoughtful forensic analyses. We think that the proper metals analyses -- including analyses and digestion procedures for certain unique metals bound in slag (note that the target metals and the digestion procedures may not be covered by typical environmental protocols) -- and proper mineralogical analyses are vitally important.

Typical radiological and metals analyses may be necessary from a site characterization standpoint, but the results may not be that valuable in the fingerprinting context -- especially if there isn't any good "comparison" data for the generators' historic waste streams.

Please let me know if you'd like to schedule a call. I am generally available this week and early next week.

Thank you for your consideration.

Tom

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**From:** Daly, Eric [mailto:Daly.Eric@epa.gov]
**Sent:** Wednesday, October 12, 2016 3:58 PM
**To:** Tuori, Thomas; Ludmer, Margo
**Cc:** sam; Horn, John; 'Brian Stamm'; Scholand, Gregory P.
**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

"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:** 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
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(212) 637-3187

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**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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