Message

From: Peterson, Mary [Peterson.Mary@epa.gov]
Sent: 9/17/2019 7:58:57 PM
To: Mehta, Sandeep [mehta.sandeep@epa.gov]; Sanders, LaTonya [Sanders.Latonya@epa.gov]
CC: Hoefer, David [Hoefer.David@epa.gov]; Fisher, Susan [Fisher.Susan@epa.gov]; Pessetto, Jared [Pessetto.Jared@epa.gov]
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

1. I would not defer questions to IDNR – this is EPA's response to the Senator's office and we should field any questions about it.
2. I think it is fine to include the highlighted sentence in the response to the Senator's office.

From: Mehta, Sandeep <mehta.sandeep@epa.gov>
Sent: Tuesday, September 17, 2019 2:50 PM
To: Sanders, LaTonya <Sanders.Latonya@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

1. Even though IDNR is the lead agency overseeing the cleanup efforts at the site, Diamond Vogel has identified the issue related to the "point of compliance". This issue relates to the EPA authority and therefore would still be within the EPA's purview.
2. Region 7 Division Director, Mary Peterson, is planning to have the call with IDNR on September 18, 2019. This call would identify the need for further discussions between the stakeholders to resolve the issue related to "point of compliance". The same resolution has also been offered in the Five-Year Review report, the link for which has been provided in the scanned copy of the signed letter that was sent with the earlier email. So, I believe it is ok to share with the Senators' offices that "further discussions are being planned between the stakeholders to resolve the issue".

Very Respectfully,
Sandeep Mehta, P.E.
Ph: (913) 551-7763
email: mehta.sandeep@epa.gov

From: Sanders, LaTonya <Sanders.Latonya@epa.gov>
Sent: Tuesday, September 17, 2019 2:33 PM
To: Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

From OCIR, please advise:

Hi LaTonya,

I'm jumping in while Raquel is out. On quick review, it looks like we should defer questions to IDNR, unless it is in our interest to clarify? Is this sentence (and only this sentence) ok to share with the Senator's office:

EPA has invited further discussion among the parties concerning the need to amend the point of compliance to reach NPL deletion.

From: Sanders, LaTonya
Sent: Tuesday, September 17, 2019 12:34 PM
To: Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

Thanks, everyone!

I'll let you know if there is any follow-up from OCIR.

From: Mehta, Sandeep <mehta.sandeep@epa.gov>
Sent: Tuesday, September 17, 2019 12:26 PM
To: Sanders, LaTonya <Sanders.Latonya@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

LaTonya:

Please find the scanned copy of the EPA letter that Mary has signed. A copy of this letter has been emailed to Iowa Department of Natural Resources and the Responsible Party, Diamond Vogel. The hard copy of the signed letter is also being sent out via USPS.

To your question on background, the matter is indeed developing but I wouldn't characterize it as enforcement sensitive as much as deliberative at this stage. (This is, after all, IDNR's site to enforce). As Mary mentioned, the body of the email response to the Congressional office would include this short paragraph provided below.

> In general terms, Region 7 initiated consultation with headquarters personnel (OSRTI) in January 2019 to discuss matters related to remedy selection and documentation at the Vogel Paint & Wax Site. Among the issues discussed was whether the site could achieve deletion from the NPL with the current groundwater point of compliance, which was designated as the property boundary in an Explanation of Significant Differences issued by IDNR in 2000. Based on the preliminary evaluation, the EPA believes that the point of compliance appears contrary to the EPA's general remedial preference to achieve cleanup levels throughout the contaminated plume, as expressed in the National Contingency Plan. However, the EPA has determined that this issue needs further discussion between the stakeholders to resolve the issue to everyone's satisfaction. Therefore, the EPA plans on having further discussions among the parties concerning the point of compliance.

Please let me know if we can help further.

Very Respectfully,
Sandeep Mehta, P.E.

Ph: (913) 551-7763
email: mehta.sandeep@epa.gov

From: Peterson, Mary <Peterson.Mary@epa.gov>
Sent: Tuesday, September 17, 2019 11:49 AM
To: Mehta, Sandeep <mehta.sandeep@epa.gov>; Sanders, LaTonya <Sanders.Latonya@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

I just reviewed and signed the letter to be sent to IDNR and to Vogel. Once the letter has been date stamped, scanned and emailed to IDNR and Vogel, we can send a scanned copy to Congressional offices along with the paragraph Sandeep provided below.

From: Mehta, Sandeep <mehta.sandeep@epa.gov>
Sent: Tuesday, September 17, 2019 11:11 AM
To: Sanders, LaTonya <Sanders.Latonya@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company
Importance: High

1. Prior to sending anything out, we need to make sure Mary is ok with the plan. I will check with Susan and Mary about this.
2. I will provide the letter shortly since it is yet to be signed by Mary.
3. I have the following modified version of the paragraph:

   As for background, the matter is indeed developing but I wouldn't characterize it as enforcement sensitive as much as deliberative at this stage. (This is, after all, IDNR's site to enforce.) In general terms, Region 7 initiated consultation with headquarters personnel (OSRTI) in January 2019 to discuss matters related to remedy selection and documentation at the Vogel Paint & Wax Site. Among the issues discussed was whether the site could achieve deletion from the NPL with the current groundwater point of compliance, which was designated as the property boundary in an Explanation of Significant Differences issued by IDNR in 2000. Based on the preliminary evaluation, the EPA believes that the point of compliance appears contrary to the EPA's general remedial preference to achieve cleanup levels throughout the contaminated plume, as expressed in the National Contingency Plan. However, the EPA has determined that this issue needs further discussion between the stakeholders to resolve the issue to everyone's satisfaction. Therefore, the EPA plans on having further discussions among the parties concerning the point of compliance.

Very Respectfully,
Sandeep Mehta, P.E.
Ph: (913) 551-7763
email: mehta.sandeep@epa.gov

From: Sanders, LaTonya <Sanders.Latonya@epa.gov>
Sent: Tuesday, September 17, 2019 10:37 AM
To: Fisher, Susan <Fisher.Susan@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

Hi Susan,

o.k., thanks.

We just now need a copy of the letter.

I'll send this to OCIR.

From: Fisher, Susan <Fisher.Susan@epa.gov>
Sent: Tuesday, September 17, 2019 10:23 AM
To: Pessetto, Jared <Pessetto.Jared@epa.gov>; Sanders, LaTonya <Sanders.Latonya@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

LaTonya,

I am good with what Jared has written below.

From: Pessetto, Jared <Pessetto.Jared@epa.gov>
Sent: Monday, September 16, 2019 3:35 PM
To: Sanders, LaTonya <Sanders.Latonya@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

Hi LaTonya – The letter is circulating through concurrence and should see Mary's signature today. I'll rely on Sandeep or Susan to provide a copy of the correspondence when it's finalized.

As for background, the matter is indeed developing but I wouldn't characterize it as enforcement sensitive as much as deliberative at this stage. (This is, after all, IDNR's site to enforce.) In general terms, Region 7 initiated consultation with headquarters personnel (OSRTI) in January 2019 to discuss matters related to remedy selection and documentation at the Vogel Paint & Wax Site. Among the issues discussed was whether the site could achieve deletion from the NPL with the current groundwater point of compliance, which was designated as the property boundary in an Explanation of Significant Differences issued by IDNR in 2000. OSRTI staff advised Region 7 that this point of compliance appears contrary to the EPA's general

remedial preference to achieve cleanup levels throughout the contaminated plume, as expressed in the National Contingency Plan, and that site deletion may not be viable until site-wide cleanup is accomplished. When this issue was incorporated into a draft FYR, both IDNR and Diamond Vogel submitted comments to EPA objecting to the recommendation. The issue was therefore identified as an "Other Finding" in the final FYR, rather than a recommendation, and EPA has invited further discussion among the parties concerning the need to amend the point of compliance to reach NPL deletion.

Please allow Sandeep and Susan an opportunity to review this summary and offer other observations before responding to the senators' offices. As far as I am concerned, though, the issue is known to both IDNR and Vogel and ought to be communicated openly to interested elected officials.

Jared Pessetto
Office of Regional Counsel
U.S. EPA, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7793

From: Sanders, LaTonya <Sanders.Latonya@epa.gov>
Sent: Monday, September 16, 2019 3:09 PM
To: Pessetto, Jared <Pessetto.Jared@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>; Fisher, Susan <Fisher.Susan@epa.gov>
Subject: FW: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company
Importance: High

Good Afternoon,

Any thoughts?

From: Snyder, Raquel <Snyder.Raquel@epa.gov>
Sent: Monday, September 16, 2019 12:03 PM
To: Sanders, LaTonya <Sanders.Latonya@epa.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

Hi LaTonya,

Grassley's office is asking if we can provide any additional detail on EPA changing the point of compliance and IDNR's letter in support of Diamond Vogel. Since this is enforcement sensitive my guess would be that we are limited in what we can say but if we can share any additional details that are not sensitive that would be great.

Also, just let me know once the letter is signed and the parties notified so that I may let both Senate offices know.

Many thanks,

Raquel Snyder
Congressional Liaison
U.S. EPA/Office of Congressional Affairs
(202)564-9586