Message

From: Fisher, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E37C4EE87BE446B0A6522C92BC9E4129-FISHER, SUSAN]
Sent: 9/17/2019 3:23:24 PM
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