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August 3, 2020

SUBMITTED VIA FOIAONLINE.GOV
Edie Stevens
U.S. EPA, Region 7
11201 Renner Boulevard
Mail Code: ORCAB
Lenexa, KS 66219
E-mail: stevens.edie@epa.gov

Re: FOIA Request

Dear Ms. Stevens:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, *et seq.*, and the EPA regulations at 40 CFR §2.100, *et seq.*, I am writing to request that the United States Environmental Protection Agency (EPA) provide, within 20 working days, copies of the following records:

1. All email (including also as a cc: or bcc:) or other messages sent to or from staff of the Superfund and Emergency Management Division, Region 7, including staff of any predecessor divisions,[1] between January 1, 2012,[2] and present day which include, in the subject or body, any reference to the Vogel Paint & Wax Co. Superfund Site, EPA ID IAD980630487 ("Vogel Superfund Site") point of compliance for groundwater. This encompasses all responsive correspondence sent to or from official email and/or

[1] For example, I believe this group within Region 7 was formerly known as the "Superfund Division."

[2] We submitted a prior FOIA request for similar records on or about November 4, 2019 that covered the time period back to September 10, 2014. The request was subsequently withdrawn. Today's request broadens the time period at issue back to 2012. We expanded the time period to include discussions leading up to Iowa Department of Natural Resources' April 25, 2012 letter to Vogel Paint and Wax regarding the 2011 Groundwater Monitoring Report and discussing creek sampling and the groundwater point of compliance. That letter is attached here.

phone/PDA account(s) as well as any accounts used at any time by Division staff for work correspondence.

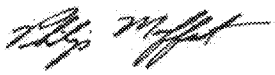
2. All other correspondence (including also as a cc: or bcc:) to or from staff of the Superfund and Emergency Management Division, Region 7, including staff of any predecessor divisions, between January 1, 2012, and present day, mentioning the Vogel Superfund Site point of compliance for groundwater.

3. All records concerning meetings—whether in-person, telephonic, video conferencing, or through other means – related to or from any staff of the Superfund and Emergency Management Division, Region 7, including staff of any predecessor divisions, between January 1, 2012, and present day mentioning the Vogel Superfund Site point of compliance for groundwater.

Electronic copies of these records are acceptable. Please contact me if records search and production costs are likely to exceed $750.

Thank you for your assistance with this request. If you find the request unclear in any way, please do not hesitate to contact me for clarification or for other information that will expedite and simplify your efforts to comply. I can be reached at 202-828-1233 or pmoffat@verdantlaw.com.

Sincerely,



Philip A. Moffat

Encl.

cc: Irene A. Hantman
Meika Vogel

Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

April 25, 2012

Scott Heemstra
Diamond Vogel Paint Co.
Industrial Air Park
Box 266
Orange City, IA 51041

RE: 2011 Annual Groundwater Monitoring Report (the 2011 Groundwater Report)
Vogel Paint & Wax Superfund Site, Maurice, Iowa (the Vogel Site)

Dear Scott:

Thank you for the above-referenced annual report for the Vogel disposal site south of Maurice. We concur with the conclusions of the 2011 Groundwater Report with the clarification that, while the water treatment plant has been off for 7 years, some of the recovery wells were utilized for phytoremediation irrigation through the 2009 growing season. We also agree with the report's recommendations and hereby approve the 2011Groundwater Report.

In addition to the approved change from quarterly sampling to semi-annual sampling, we approve annual sampling of monitoring wells GMW-17, 18 and 34 in lieu of semi-annual sampling. This department is satisfied that the stream sampling conducted in response to a recommendation in the 2009 Superfund Five-year Review has sufficiently demonstrated no adverse impact on the stream from the Vogel site. Therefore, stream sampling may be discontinued. Please submit a table with the revised groundwater monitoring schedule.

We encourage Vogel to proceed with the on-site and off-site environmental covenants as recommended in the 2011 Groundwater Report, if not sooner. We will also propose to EPA that an explanation of significant differences (ESD) to the Record of Decision change the point of compliance to the off-site property with the environmental covenant.

Please contact me with any questions or comments.

Yours truly,

Robert D. Drustrup
Contaminated Sites Section

cc: Cal Lundberg, Supervisor DNR Contaminated Sites Section,
Ken Hessenius, DNR Field Office 3
Jim Colbert, EPA Region 7
Keith Delange, Geotek

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