Message

From: Mehta, Sandeep [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92EE749471DE4B46B322926B6E523364-MEHTA, SANDEEP]
Sent: 7/31/2020 7:30:11 PM
To: McLarty, Cody [McLarty.Cody@epa.gov]
Subject: FW: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report
Attachments: 2020-07-31 Vogel Concerns w EPA Draft Memo re 5th 5-Year Review Report.pdf

FYSA. You were not on the distribution.

Very Respectfully,
Sandeep Mehta, P.E.
Email: Mehta.sandeep@epa.gov
Work: 913-551-7763

From: Philip Moffat <pmoffat@verdantlaw.com>
Sent: Friday, July 31, 2020 2:26 PM
To: Peterson, Mary <Peterson.Mary@epa.gov>
Cc: Fisher, Susan <Fisher.Susan@epa.gov>; Juett, Lynn <Juett.Lynn@epa.gov>; Mehta, Sandeep <mehta.sandeep@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Alex.Moon@dnr.iowa.gov; amie.davidson@dnr.iowa.gov; Hylton Jackson <hylton.jackson@dnr.iowa.gov>; Scott.Heemstra@diamondvogel.com; Meika.Vogel@diamondvogel.com; ihantman@verdantlaw.com; pmoffat@verdantlaw.com
Subject: Vogel Paint & Wax Company Superfund Site - Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report

Dear Ms. Peterson –

Attached are comments from Vogel Paint & Wax Company regarding the Agency's "Draft EPA Supplemental Memorandum to the Fifth Five-Year Review Report" for the site. Vogel appreciates EPA's willingness to "clear up the record" memorialized in Fifth Five-Year Review Report. However, the company remains concerned about the discrepancies between the Report and the lengthy administrative record for the site, including the 2000 ESD. Of particular concern is that the supplemental memorandum fails to address the company's objections to including the discussion about the point of compliance for the site. And the company is also concerned about the language of the protectiveness statement for the groundwater Operable Unit.

The company is committed to ensuring that this site remains protective of human health and the environment. However, presently there is a great deal of uncertainty and unpredictability regarding the process for getting the site cleaned, closed, and delisted. As EPA knows, this is one of the company's key objectives for doing the Pilot Study.

We look forward to receiving a revised draft of the supplemental memo from your staff. And we would welcome the opportunity to further discuss these issues with you and your staff in the near future.

I look forward to your response.

Best regards,

Philip A. Moffat

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