Ex. 5 Deliberative Process (DP)

From: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB [mailto:stephen.termaath@us.af.mil]
Sent: Thursday, February 01, 2018 3:07 PM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; 'Laura L. Malone' <Malone.Laura@azdeq.gov>

Cc: 'Tina LePage' <LePage.Tina@azdeq.gov>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>; Brown, Catherine <Brown.Catherine@epa.gov>; Brian J. Stonebrink <Stonebrink.Brian@azdeq.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: RE: Williams ST012 - Path Forward Dispute Resolution

Enrique and Laura

Looks like we are about to cross the finish line. Some minor changes are attached for clarity and to correct factual errors.

Background on the Air Force revisions ---

Paragraph E: Clarify what was agreed in the Phoenix meeting. We were to move forward with the final work plan for EBR injections (para graph C) that would address the Agencies' comments. The work plan is the starting point for the provisions of paragraphs B, C and D.

Paragraph F: The original wording had been proposed by the Agencies and accepted by the Air Force. Nevertheless, the revision is acceptable with the factual correction in our revision that the ROD says an estimated 20 year timeframe rather than a maximum of 20 years.

Paragraph G: A new addition. It reiterates the rights for dispute already in the Federal Facilities agreement. However, it is acceptable with the clarification that the 20 year timeframe is an estimate in the RODA.

The Air Force revisions are in agreement with the Phoenix meeting so US EPA and ADEQ concurrence with the wording can bring the dispute to a close.

Thank you
Steve

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From: Herrera, Angeles [mailto:Herrera.Angeles@epa.gov]
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Cc: 'Tina LePage' <LePage.Tina@azdeq.gov>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>; Brown, Catherine <Brown.Catherine@epa.gov>; Brian J. Stonebrink <Stonebrink.Brian@azdeq.gov>
Subject: [Non-DoD Source] RE: Williams ST012 - Path Forward Options for Informal Dispute

Dear Dr. TerMaath:

EPA and ADEQ have reached agreement on the attached proposed language for resolving the informal dispute regarding the remedy implementation at the former Williams AFB ST02 Fuels Site. As discussed in the meeting last October, Air Force (AF) offered to implement Enhanced Bioremediation (EBR) as a pilot study. Please let us know if you have any additional comments and/or if you agree to de proposed resolution.

Thanks.

Angeles

From: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB [mailto:stephen.termaath@us.af.mil]
Sent: Friday, January 19, 2018 3:40 PM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; 'Laura L. Malone' <Malone.Laura@azdeq.gov>
Cc: 'Tina LePage' <LePage.Tina@azdeq.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>; Dirscherl, Christopher <Dirscherl.Christopher@epa.gov>
Subject: RE: Williams ST012 - Path Forward Options for Informal Dispute

Enrique and Laura

Hope you are having a good start for the new year.

I would like to start this year with resolving the dispute on site ST012, Liquid Fuels Storage Area remediation. I have not seen anything on the final written agreement from our meeting in Phoenix on 20 October. There was an exchange of language on the agreement in November. I sent some suggested revisions on 29 November, and there has been no response on whether the revisions were acceptable to complete the agreement and close out the dispute.

It seems we need to bring this to a conclusion after a very productive meeting in Phoenix. I am asking that we close this out by the end of January. If either of you have concerns about the agreement, I request a conference call by the end of the January to discuss the concerns. We need to get back to work at the site. The delay on cleanup is approaching two years, and we need to resume cleanup of the contamination. Needless to say, the delay also is becoming very expensive.

The agreement reached in Phoenix addressed all of respective agency concerns, and I hope we can quickly move forward with implementing the agreement and returning to the important work of cleaning up the contamination.

Steve

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From: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB
Sent: Wednesday, December 20, 2017 7:46 PM
To: Dirscherl, Christopher <Dirscherl.Christopher@epa.gov>
Cc: Tina LePage <LePage.Tina@azdeq.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Laura L. Malone <Malone.Laura@azdeq.gov>
Subject: RE: Williams ST012 - Path Forward Options for Informal Dispute

Enrique and Laura ---

Just checking in --- were the revisions acceptable? Hope we can move forward with implementation on an agreement.

Thank you ---- Happy Holidays and a very Happy New Year!

Steve

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From: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB
Sent: Wednesday, November 29, 2017 6:31 PM
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Cc: Tina LePage <LePage.Tina@azdeq.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Laura L. Malone <Malone.Laura@azdeq.gov>
Subject: RE: Williams ST012 - Path Forward Options for Informal Dispute

See the attached provides comments to the revisions you provided. The reason for not accepting changes in paragraph D and E is that these are new additions to the agreement reached in Phoenix. Means and methods of sampling in paragraph E should be part of the developing the metrics and milestones. Modeling has been added in paragraph D as a precursor to developing the metrics and milestones was not part of the agreements reached in the meeting. There was discussion of the merits on far more accurate modeling after additional performance data was collected and input into the model.

Hope this will enable us have a final document.

Steve

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From: Dirscherl, Christopher [mailto:Dirscherl.Christopher@epa.gov]
Sent: Monday, November 27, 2017 11:22 AM
To: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB <stephen.termaath@us.af.mil>
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Subject: [Non-DoD Source] RE: Williams ST012 - Path Forward Options for Informal Dispute

Good Morning Dr. Termaath,

On behalf of EPA and ADEQ, attached please find our suggested revisions to the Options paper. We agree that Option 1 is the best path forward.

After your review, should you believe a further follow-up call will be necessary, please let me know and I will work to get something scheduled for next week, considering availability.

Thank you,
Chris

From: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB [mailto:stephen.termaath@us.af.mil]
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To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Laura L. Malone <Malone.Laura@azdeq.gov>

Cc: Tina LePage <LePage.Tina@azdeq.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>; Dirscherl, Christopher <Dirscherl.Christopher@epa.gov>
Subject: RE: Williams ST012 - Path Forward Options for Informal Dispute

Enrique and Laura

Again thanks for a very productive meeting in Phoenix. Attached is description of the options for resolving the informal dispute including our revisions which are simple clarifications based on discussions at our meeting.

In your absence Enrique, I am hopeful that Angeles, Laura and I can agree to the attached and select Option 1 via email. The alternative is to have a very short telephone conversation to quickly revise any changes or additions needed. If a call is needed, I propose a telephone call Tuesday or Wednesday this week. This would allow a quick turn on a revised work plan in the next two weeks. This assumes we all agree on Option 1 for moving forward.

Thank you

Steve

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From: Dirscherl, Christopher [mailto:Dirscherl.Christopher@epa.gov]
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Subject: [Non-DoD Source] FW: Williams ST012 - Path Forward Options for Informal Dispute

Good Morning Mr. Termaath,

On behalf Enrique and Angeles, as well as our partners at ADEQ, attached please find the Agencies proposed path forward options for the informal dispute at Williams AFB Site ST012.

I will work with the respective teams to schedule a follow-up discussion call on Friday.

Thank you,
Chris

Christopher Dirscherl
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