Ex. 6 Personal Privacy (PP)

-----Original Message-----
From: MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW [mailto:philip.mook@us.af.mil]
Sent: Wednesday, January 31, 2018 3:18 PM
To: Geoff Watkin <Geoff.Watkin@SpecProSvcs.com>
Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: RE: Williams ST012 - Path Forward Options for Informal Dispute

Thanks.

I have not seen Dr. T's ready to send email/resolution either. He must gotten distracted by a shiny object.

I'll pass along your most excellent explanation. He might stick with RAO to avoid what he believes to be a low value argument. I'd make the change just for the fun of correcting EPA in a condescending way,

Ex. 6 Personal Privacy (PP)

//SIGNED//
Philip H. Mook, Jr., P.E.
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Air Force Civil Engineer Center

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-----Original Message-----
From: Geoff Watkin [mailto:Geoff.Watkin@SpecProSvcs.com]
Sent: Wednesday, January 31, 2018 2:02 PM
To: MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>
Subject: [Non-DoD Source] Re: Williams ST012 - Path Forward Options for Informal Dispute

Phil,

I got your message but haven't seen Dr. T's revisions. I agree about inserting 'estimated' timeframe for item G if needed. Use of RAOs vs cleanup levels comes from being consistent with the RODA text. The excerpts from 5.1 (Description of Remedy) and 5.3 (Expected Outcome) that I provided below use cleanup levels. RAOs are the objectives (prevent exposure, restore aquifer) while the cleanup levels are established through ARARS to meet the objectives. EPA's use of RAOs is basically an incorrect term for item G and not what the RODA says. For example, RAOs are achieved in the short-term using the ST012 DEUR but the cleanup levels are to be achieved in the estimated remedial timeframe.

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From: Geoff Watkin
Sent: Thursday, January 25, 2018 3:43 PM
To: MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW
Subject: Re: Williams ST012 - Path Forward Options for Informal Dispute

Phil,

Here are the revisions we talked about. I included some notes for background that you may want to alter or delete.

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From: Geoff Watkin
Sent: Thursday, January 25, 2018 9:22 AM
To: MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW; JERRARD, CATHERINE V CIV USAF HAF AFCEC/CIBW
Cc: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB
Subject: Re: Williams ST012 - Path Forward Options for Informal Dispute

Phil,

My two bits for consideration -

Paragraph E - I agree on retaining reference to the Work Plan. Paragraph A of the resolution declares use of the Work Plan and Paragraph C states the AF will move forward. Deleting the reference in Paragraph E only implies additional revisions prior to implementation. I don't necessarily see an issue with the added statement regarding comments to be addressed, since that is the point of the 'consultation with agencies' referred to in Section E.

Paragraph F - The 2013 RODA does not specify a 20 year remedial timeframe. In every case within the RODA, 20 years is the estimated remedial timeframe and is not an RAO. The two most significant excerpts, provided below, would indicate referring to the remedial timeframe as estimated or approximate is appropriate.
Sec. 5.1 - Description of Revised Remedy 'The active components (SEE and Enhanced Bioremediation) of the Selected Remedy for groundwater will be implemented until the chemical-specific cleanup levels are reached, or analysis of biological and natural attenuation related degradation suggest that contaminants will naturally degrade to the desired concentration within an overall remedial timeframe of approximately 20 years.' See entire paragraph for additional description.
Sec. 5.3 Expected Outcome
'The revised groundwater remedy will achieve groundwater cleanup levels in an estimated 20 years.'

Paragraph G - Based on above, 20 years is an estimated remedial timeframe not a specified requirement. In the last paragraph, the parties already reserve their rights under the FFA Section 12, Dispute Resolution, so Paragraph G is unnecessary. Accepting this revision could make the timeframe a specified requirement.

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From: MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil>
Sent: Wednesday, January 24, 2018 3:23 PM
To: JERRARD, CATHERINE V CIV USAF HAF AFCEC/CIBW; Geoff Watkin
Cc: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB
Subject: FW: Williams ST012 - Path Forward Options for Informal Dispute

Cathy and Geoff,

The first file is EPA's response.

For comparison, the next two files are the dirty and clean version of what Dr. T sent in Nov and resent in Dec.

I printed out and compared EPA response and our clean version from 29 Nov.
There are a few not substantive changes to format and verb tense (e.g., changing "would" to "will" but not consistently), which I'll skip.

Paragraph A - same.

Paragraph B - same.

Paragraph C - same.

Paragraph D - same.

Paragraph E - changed. They removed that periodic monitoring will be performed, "in accordance with Pilot Study Implementation Work Plan" and replaced with, "in consultation with the Agencies", and added a sentence saying their previous technical comments remain to be addressed. In another place and time, I'd say we could work this out as we install/operate the system and conduct the periodic monitoring. We've addressed their previous technical comments, but their technical wonks are not completely satisfied with our responses. From an engineering standpoint, I'd respond, "We'll use the Work Plan's periodic monitoring as a baseline, and make changes based on monitoring results and observations.", and "The conceptual site model will be updated during Pilot Study implementation, and previous agency technical comments revisited as needed." For me this is a non-starter if EPA demands we hold everything while "perfecting the Work Plan in their eyes."

Paragraph F - changed. They replaced "achieving RAOs within desired remedial timeframe" with "achieving RAOs within the 20-year remedial timeframe specified in the 2013 RODA." Meeting the 20-year RAO (cleanup below benzene MCL site wide) was aggressive, unprecedented and arbitrary. It's fine for a goal, but is not appropriate as an absolute standard. I'm completely okay with comparing cleanup progress with the 20-year goal, and making reasonable and appropriate changes in prosecuting our cleanup. But, to declare remedy failure because cleanup estimates are coming in at between 20 to 30 years is stupid. Not to mention if there is only a tiny recalcitrant location(s) left at 20-years, the remedial action would still be a world class success.

Paragraph G - new. Related to the paragraph above, and preview of the parties reservation of right to dispute paragraph below.

Option 2 paragraph - removed. Appropriate if we can get to finish line on Option 1.

//SIGNED//
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-----Original Message-----
From: Herrera, Angeles [mailto:Herrera.Angeles@epa.gov]
Sent: Wednesday, January 24, 2018 1:18 PM
To: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB <stephen.termaath@us.af.mil>; 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>
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 <mailto:Dirscherl.Christopher@epa.gov> >
Cc: Tina LePage <LePage.Tina@azdeq.gov <mailto:LePage.Tina@azdeq.gov> >; Herrera, Angeles <Herrera.Angeles@epa.gov <mailto:Herrera.Angeles@epa.gov> >; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil <mailto:philip.mook@us.af.mil> >; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov <mailto:Manzanilla.Enrique@epa.gov> >; Laura L. Malone <Malone.Laura@azdeq.gov <mailto: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
To: 'Dirscherl, Christopher' <Dirscherl.Christopher@epa.gov <mailto:Dirscherl.Christopher@epa.gov> >
Cc: Tina LePage <LePage.Tina@azdeq.gov <mailto:LePage.Tina@azdeq.gov> >; Herrera, Angeles <Herrera.Angeles@epa.gov <mailto:Herrera.Angeles@epa.gov> >; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil <mailto:philip.mook@us.af.mil> >; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov <mailto:Manzanilla.Enrique@epa.gov> >; Laura L. Malone <Malone.Laura@azdeq.gov <mailto: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 <mailto:stephen.termaath@us.af.mil> >
Cc: Tina LePage <LePage.Tina@azdeq.gov <mailto:LePage.Tina@azdeq.gov> >; Herrera, Angeles <Herrera.Angeles@epa.gov <mailto:Herrera.Angeles@epa.gov> >; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil <mailto:philip.mook@us.af.mil> >; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov <mailto:Manzanilla.Enrique@epa.gov> >; Laura L. Malone <Malone.Laura@azdeq.gov <mailto:Malone.Laura@azdeq.gov> >
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]
Sent: Monday, November 06, 2017 5:10 PM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov <mailto:Manzanilla.Enrique@epa.gov> >; Laura L. Malone <Malone.Laura@azdeq.gov <mailto:Malone.Laura@azdeq.gov> >
Cc: Tina LePage <LePage.Tina@azdeq.gov <mailto:LePage.Tina@azdeq.gov> >; Herrera, Angeles <Herrera.Angeles@epa.gov <mailto:Herrera.Angeles@epa.gov>
>; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil <mailto:philip.mook@us.af.mil> >; Dirscherl, Christopher <Dirscherl.Christopher@epa.gov <mailto: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]
Sent: Monday, October 30, 2017 10:55 AM
To: TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB <stephen.termaath@us.af.mil <mailto:stephen.termaath@us.af.mil> >
Cc: Tina LePage <LePage.Tina@azdeq.gov <mailto:LePage.Tina@azdeq.gov> >; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov <mailto:Manzanilla.Enrique@epa.gov> >; Herrera, Angeles <Herrera.Angeles@epa.gov <mailto:Herrera.Angeles@epa.gov> >; MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW <philip.mook@us.af.mil <mailto:philip.mook@us.af.mil> >; Laura L. Malone <Malone.Laura@azdeq.gov <mailto:Malone.Laura@azdeq.gov> >

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

Acting Section Chief/Remedial Project Manager

Superfund Division

U.S. EPA Region 9

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