Message

From: Morgan, Melinda [Morgan.Melinda@epa.gov]
Sent: 7/22/2020 9:54:40 PM
To: Sivak, Michael [Sivak.Michael@epa.gov]; Flanagan, Sarah [Flanagan.Sarah@epa.gov]; Reilly, WilliamJ [Reilly.WilliamJ@epa.gov]; Smeraldi, Josh [Smeraldi.Josh@epa.gov]
Subject: RE: Riverside Industrial Park site - Draft AR Index
Attachments: Note to File_Insert as first page in DocID 615474.docx

I feel like the attached Word Note to File removes all possibilities of the "appearance" that we may have released Confidential information. Shall I insert this keep it simple note to file as the first page in the PDF file of DocID 615474?

Regards,
Melinda Morgan
Superfund Records Manager
SEMD-PSB-RM/CRS
USEPA, Region 2
Tel: (212) 637-4355
Fax: (212) 637-3083

From: Sivak, Michael <Sivak.Michael@epa.gov>
Sent: Wednesday, July 22, 2020 5:46 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Or a note. I'm not clear on what the next step is. I think we're all in agreement with the language.

Michael Sivak

sivak.michael@epa.gov | 212.637.4310 (desk) | 646.438.5237 (cell)

From: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Sent: Wednesday, July 22, 2020 5:44 PM
To: Sivak, Michael <Sivak.Michael@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Do we need a memo?

From: Sivak, Michael <Sivak.Michael@epa.gov>
Sent: Wednesday, July 22, 2020 5:43 PM
To: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Great! Who would type up the memo to file? SEMD? ORC?

Michael Sivak

sivak.michael@epa.gov | 212.637.4310 (desk) | 646.438.5237 (cell)

From: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Sent: Wednesday, July 22, 2020 5:40 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

I agree with the language.

From: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Sent: Wednesday, July 22, 2020 5:36 PM
To: Morgan, Melinda <Morgan.Melinda@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

I think your proposal would work. Something like:

"This document was labeled Privileged and Confidential when submitted to EPA but as a technical submission made to EPA by a private party, it has not been identified by EPA as confidential in any way."

Will, Josh, feel free to edit.

From: Morgan, Melinda <Morgan.Melinda@epa.gov>
Sent: Wednesday, July 22, 2020 5:30 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Wow, this is quite the tricky situation. Seems like these emails should be enough proof that EPA does not consider this document to be Controlled simply because the performing party labeled it this way.

On the other hand, at this point, if we simply release the PDF file as it is maybe there is an "appearance" that we have released Privileged and Confidential information.

Ex. 5 AC/DP

Ex. 5 AC/DP I think that would make it clear to whoever was reviewing this file that it was not EPA that "labeled" these pages as Privileged & Confidential nor do we consider them to be Privileged & Confidential.

Regards,
Melinda Morgan
Superfund Records Manager

SEMD-PSB-RM/CRS
USEPA, Region 2
Tel: (212) 637-4355
Fax: (212) 637-3083

From: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Sent: Wednesday, July 22, 2020 4:53 PM
To: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Privileged and Confidential Attorney Client Communication/Attorney Work Product

Ex. 5 AC/DP

From: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Sent: Wednesday, July 22, 2020 4:48 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Attorney — Client
Attorney – Work Product
Privileged — Confidential

Ex. 5 AC/DP

As far as documenting I can do a note to file but are you talking about in the AR? And I would have to go back and check but I think they also claimed Privilege to similar submittals (mark up revision responses) so would it just be this one?

From: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Sent: Wednesday, July 22, 2020 4:42 PM
To: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Privileged and Confidential Attorney Client Communication/Attorney Work Product

Ex. 5 AC/DP

How do we document this?

From: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Sent: Wednesday, July 22, 2020 4:38 PM
To: Morgan, Melinda <Morgan.Melinda@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Attorney — Client
Attorney – Work Product
Privileged — Confidential

I believe we have made an internal decision that the stamp was not necessary but just want to confirm with the folks who were on that call. If that is case (i.e. the stamp is not necessary) then you can leave it as is. I guess, I am really asking for Sarah's input on this but just want to make sure my understanding is correct.

From: Morgan, Melinda <Morgan.Melinda@epa.gov>
Sent: Wednesday, July 22, 2020 4:11 PM
To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: FW: Riverside Industrial Park site - Draft AR Index

Hi Josh and William,

Can one of you initial and date the attached PDF file in the Declassified stamp area?

The AR has been published and is available to the public except for this document. It is listed in the AR Index, but I forgot I had pulled the PDF file before publishing to add this Declassified stamp to the first page.

Please let me know how you all wish to proceed. Thank you!!

Regards,
Melinda Morgan
Superfund Records Manager
SEMD-PSB-RM/CRS
USEPA, Region 2
Tel: (212) 637-4355
Fax: (212) 637-3083

From: Morgan, Melinda
Sent: Wednesday, July 22, 2020 12:27 PM
To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Hi Josh and William,

Thank you both for confirming this concern. The Records Center team is making the necessary updates to the Administrative Record Index and it should be ready shortly.

Attached is the first page of DocID 615474 with the Declassified stamp. If you could add your initials and date in the stamp area and email back to me, that would be wonderful!!

Regards,

Melinda Morgan
Superfund Records Manager
SEMD-PSB-RM/CRS
USEPA, Region 2
Tel: (212) 637-4355
Fax: (212) 637-3083

From: Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Sent: Wednesday, July 22, 2020 11:42 AM
To: Morgan, Melinda <Morgan.Melinda@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Hi Melinda,

I talked to Will and Sarah about this and they clarified that the documents were stamped Privileged & Confidential by Woodard and Curran or Privileged Confidential by Ramboll. Ex. 5 AC/DP

Ex. 5 AC/DP

In light of this, please let us know if you still need to add the Declassified stamp to those documents. If you do think the stamp is still needed please start that process.

Thanks! Sorry for the last minute issues.

Josh

From: Morgan, Melinda <Morgan.Melinda@epa.gov>
Sent: Wednesday, July 22, 2020 9:47 AM
To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Hi Josh,

Well now that does make more sense. ☺ I will wait to hear from you before publishing the AR. Are you thinking that you want to also keep the Privileged and Confidential Draft RI Report?

I guess the more specific question is the Draft RI Report that is stamped Privileged & Confidential on each page. We would need to add the Declassified stamp to the first page and ask the site attorney to electronically initial and date the Declassified stamp. Please let me know if you want to keep DocID 615474 and we can start the process of applying the Declassified stamp.

Thank you!!

Regards,
Melinda Morgan
Superfund Records Manager
SEMD-PSB-RM/CRS
USEPA, Region 2
Tel: (212) 637-4355
Fax: (212) 637-3083

From: Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Sent: Wednesday, July 22, 2020 7:31 AM
To: Morgan, Melinda <Morgan.Melinda@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: RE: Riverside Industrial Park site - Draft AR Index

Melinda, Thank you sooo much for getting this all done. I had a discussion with our site attorney a few days ago about this and due to a difficult PRP we will want to keep these in the admin record. I am adding our site attorney on this exchange so he can review and let you know as soon as possible.

Will, please review and let us know your thoughts. Thanks!

Josh

From: Morgan, Melinda <Morgan.Melinda@epa.gov>
Sent: Wednesday, July 22, 2020 12:03 AM
To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Subject: Riverside Industrial Park site - Draft AR Index

Hi Josh,

Sorry I didn't get this draft AR Index to you earlier, but I wanted to go ahead and send it tonight because you probably start your work day earlier than I do.

Attached is the Draft Administrative Record Index that includes all of the documents that you requested to add to the Administrative Record. Some were already in SEMS-RM and the rest were shared from your OneDrive folder or via email. Once you review and confirm the changes, we will convert to PDF and finalize the Administrative Record for publishing to the Site Profile Page. We will need to have the AR Index finalized before the Press Release goes out. Hopefully, we can coordinate and have everything ready to publish before 10am.

There are 6 documents highlighted in yellow that are Draft and have redline and/or comments still showing in the document. These all appear to have a final version. I would recommend to remove these Draft documents from the AR Collection. I believe the approval letters or conditional approval letters could be kept in the AR Collection along with the complete final versions. Could you review and let me know if you are okay with removing them from the Administrative Record Collection. They are captured as Controlled – Undetermined in SEMS-RM. If you wanted to keep them in the AR Collection, we would need to ask the site attorney to concur and advise that these documents are indeed Uncontrolled and can be released to the public as they are.

DocID:	Doc Date:	Title:	Image Count:	Doc Type:	Addressee Name/Organization:	Author Name/Organization:
615486	05/01/2019	US EPA COMMENTS ON THE SITE CHARACTERIZATION SUMMARY REPORT - UPDATED CONCEPTUAL SITE MODEL FOR THE RIVERSIDE INDUSTRIAL PARK SITE	15	Memorandum		(US ENVIRONMENTAL PROTECTION AGENCY)

615471	01/17/2020	DRAFT SCREENING LEVEL ECOLOGICAL RISK ASSESSMENT WITH COMMENTS FOR THE RIVERSIDE INDUSTRIAL PARK SITE	47	Report		(RAMBOLL ENVIRON CORPORATION)
615475	01/17/2020	DRAFT BASELINE HUMAN HEALTH RISK ASSESSMENT VERSION 2 WITH COMMENTS FOR THE RIVERSIDE INDUSTRIAL PARK SITE	309	Report		(RAMBOLL ENVIRON CORPORATION)
615477	01/17/2020	BASELINE HUMAN HEALTH RISK ASSESSMENT VERSION 2 - APPENDIX F UPDATES FOR THE RIVERSIDE INDUSTRIAL PARK SITE	68	Report		(RAMBOLL ENVIRON CORPORATION)
615481	06/01/2020	US EPA COMMENTS ON SITE FIGURES FOR PPG TO ADDRESS FOR THE RIVERSIDE INDUSTRIAL PARK SITE	28	Figure/Map/ Drawing		
615483	06/08/2020	DRAFT FEASIBILITY STUDY WITH COMMENTS FOR THE RIVERSIDE INDUSTRIAL PARK SITE	154	Report	(US ENVIRONMENTAL PROTECTION AGENCY)	(WOODARD & CURRAN INCORPORATED)

Also, there is one document that is highlighted in Red in the attached Draft AR Index. This document is clearly marked as Privileged Confidential in the top left corner of each page. This Draft version of the RI Report has been removed from the AR Collection.

DocID:	Doc Date:	Title:	Image Count:	Doc Type:	Addressee Name/Organization:	Author Name/Organization:
615474	01/17/2020	DRAFT REMEDIAL INVESTIGATION REPORT WITH COMMENTS FOR THE RIVERSIDE INDUSTRIAL PARK SITE	226	Report		(RAMBOLL ENVIRON CORPORATION)

Regards,
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Fax: (212) 637-3083