Message

From: Richard S. Davis [RDavis@bdlaw.com]
Sent: 10/28/2019 10:21:27 PM
To: Miller, Patricia G. [Miller.Patriciag@epa.gov]
CC: Bruno, Jodi [Bruno.Jodi@epa.gov]; Richard S. Davis [RDavis@bdlaw.com]
Subject: RE: Denali Solid Solutions - CWA Information Request

Pat,

The time frame you propose is workable and we will operate accordingly. Many thanks for your consideration of this request.

Regards,

Richard

Richard S. Davis
Principal

BEVERIDGE & DIAMOND PC
O +1.202.789.6025 ~ M +1.301.775.7453 ~ RDavis@bdlaw.com

From: Miller, Patricia G. <Miller.Patriciag@epa.gov>
Sent: Tuesday, October 22, 2019 3:01 PM
To: Richard S. Davis <RDavis@bdlaw.com>
Cc: Bruno, Jodi <Bruno.Jodi@epa.gov>
Subject: RE: Denali Solid Solutions - CWA Information Request

Richard;
Thank you for the submittal of October 15th regarding Denali's proposed sampling plan for the Desert Ridge Farms. The plan as described in the attachments to your email is acceptable to the EPA. We believe sixty (60) days from the date of this email is an appropriate time period to complete the sampling process and submit the results to the EPA. If your client has specific reasons to believe that time frame is not sufficient, please provide the requested time period and the justification for it.

Thank you for your continued cooperation. Please let me or Jodi Bruno know if you have any questions.
Pat

Patricia Gillispie Miller
Office of Regional Counsel
US EPA, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Phone: 913-551-7283
Fax: 913-551-7925

From: Richard S. Davis <RDavis@bdlaw.com>
Sent: Tuesday, October 15, 2019 5:29 PM
To: Miller, Patricia G. <Miller.Patriciag@epa.gov>

Cc: Bruno, Jodi <Bruno.Jodi@epa.gov>; Richard S. Davis <RDavis@bdlaw.com>
Subject: RE: Denali Solid Solutions - CWA Information Request

Pat,

Many thanks for your note below and for the Region's willingness to consider a revised proposal for sampling of Desert Ridge Farms in satisfaction of the information request. Your note captures our conversation perfectly.

I should have said then, and will now, that we may need to discuss pushing the delivery date for sampling performed out just a bit to accommodate the time this conversation has taken. This would only reflect the actual time needed to implement the sampling plan that we ultimately settle on.

Per our conversation on October 2, 2019, I am sharing information regarding soil conditions at Desert Ridge Farms and a proposed sampling plan based on that information.

Attached is a document summarizing soil conditions at Desert Ridge Farms, a corresponding proposal for soil sampling, and a signed and dated Statement of Certification. I have also attached an email from Steve Redger, the farmer of Desert Ridge Farms, discussing soil conditions, and scientific literature cited in the document summarizing local conditions.

I am traveling to Seattle over the balance of this week but can make myself available to discuss this by phone if that would be helpful.

Many thanks for your consideration.

Richard

Richard S. Davis
Principal

BEVERIDGE & DIAMOND PC
O +1.202.789.6025 ~ M +1.301.775.7453 ~ RDavis@bdlaw.com

From: Miller, Patricia G. <Miller.Patriciag@epa.gov>
Sent: Wednesday, October 2, 2019 12:01 PM
To: Richard S. Davis <RDavis@bdlaw.com>
Cc: Bruno, Jodi <Bruno.Jodi@epa.gov>
Subject: Denali Solid Solutions - CWA Information Request

Mr. Davis;
This email is to confirm our phone conversation today regarding the sampling responsibilities for Denali Soil Solutions under Section III., Paragraph 3.d. of the Information Request issued by EPA Region 7 on August 15, 2019. During our conversation, we agreed that by October 15, 2019 (ten days, taking into consideration that October 12 fall on a Saturday and Monday is a holiday), Denali will submit to EPA Region 7 a proposal for sampling the Desert Ridge Farms fields where the company has applied biosolids since 2014, that:

- Provides any available data regarding the depth of soil to rock, preferably obtained from Desert Ridge Farms;
- Proposes depths of sampling based on the soil depth information; and
- Proposes a sampling plan with the number of samples per field based on a ratio of at least 4 samples per 120 acre field (locations distributed appropriately to ensure full coverage of each field).

This submittal, and all other responses to the Information Request, must include a signed and dated Statement of Certification (Enclosure B of the Information Request).

Please verify whether this represents your understanding of our agreement with regard to the sampling requirements of the Information Request. Feel free to contact me if you have any questions.

Thank you,
Pat

Patricia Gillispie Miller
Senior Counsel
Office of Regional Counsel
US EPA, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Phone: 913-551-7283
Fax: 913-551-7925