Message

From: Ludmer, Margo [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C4035E304CD4CB689EE512402E13DC3-LUDMER, MAR]
Sent: 6/26/2018 2:50:30 PM
To: Ward-Willis, Nicholas M. [NWard-Willis@kblaw.com]
CC: Sachs, Joel H. [JSachs@kblaw.com]
Subject: RE: Canadian Radium and Uranium Site

Nick--Please let me know whether Mr. Cannistra consents to EPA access for purposes of performing the below-described assessment work. Thank you.

Margo B. Ludmer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
(212) 637-3187

From: Ludmer, Margo
Sent: Friday, June 15, 2018 10:59 AM
To: 'Ward-Willis, Nicholas M.' <NWard-Willis@kblaw.com>
Cc: 'Sachs, Joel H.' <JSachs@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Nick,

Attached please find EPA's *draft* QAPP for assessment work at 125 Kisco Avenue.

While each component of EPA's planned work can generally be performed within a matter of several hours, EPA will need access for multiple days to complete all tasks. Day 1 tasks would likely include a walk-through of the property/building, placement of radon canisters in each room of the building, and field screening. Day 2 would generally entail performance of soil sampling at the proposed locations (see attached), with possible location adjustments based on screening results. While soil sampling is not expected to take more than one day to complete, it is possible that more time would be needed and EPA would want to reserve another half-day for such work. On Day 4, EPA would collect the radon canisters (at least 72 hours after placement), which would take less than one hour to perform.

Thank you for providing the hours of operation of the Tesla dealership. It may be possible for EPA to arrive at the property a few hours before the dealership opens to complete a portion of the work (e.g., placement/collection of the radon canisters). However, the remaining work will need to be completed during the dealership's normal business hours. EPA cannot perform the work on July 4, given that the OSC and possibly others will be traveling for the holiday. The earliest possible start date is July 9, subject to the availability of the contractors.

As discussed, access is needed to assess the potential presence of radiation at your client's property and the possibility of associated health risks. It is our continued hope that this matter can be resolved swiftly and in a cooperative manner so that the assessment work may be performed. I am happy to address any questions that you or your client might have and look forward to hearing from you.

Thank you,

Margo

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From: Ludmer, Margo
Sent: Wednesday, June 13, 2018 1:24 PM
To: 'Ward-Willis, Nicholas M.' <NWard-Willis@kblaw.com>
Cc: Sachs, Joel H. <JSachs@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Hello Nick,

I just left you a voice message. Please give me a call when you are able.

Thank you,

Margo B. Ludmer
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From: Ward-Willis, Nicholas M. [mailto:NWard-Willis@kblaw.com]
Sent: Tuesday, June 12, 2018 5:13 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: Sachs, Joel H. <JSachs@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Margo,

I have spoken with my client and in order for them to fully consider agreeing to access they have requested to have me inform you that the Tenant's car showroom and service area is open Monday through Saturday from 10:00 a.m. to 7:00 p.m. and on Sundays from 11:00 a.m. to 6:00 p.m. The site is very busy and as you may have seen from aerial photographs, the parking lot is occupied with a number of vehicles that are stored, are waiting to be serviced or are customers' vehicles visiting the site.

Given that the existing use of the property occupies the area that is to be examined, it would make sense to schedule the EPA contractor's site work for one day when the site is not active. As it happens, the facility is closed on July 4th and my client could make arrangements with the tenant to move its cars to a nearby property owned by my client. While I recognize it is the holiday, performing the work on that day will prevent disruption with the tenants use of the property and allow for a full site characterization.

Please review with EPA's contractor promptly so that if you are able to move in this manner, we can communicate with the tenant and they can make the necessary arrangements. Otherwise, as you can see from the schedule above and the active use of the site, it will be difficult to provide access to the site. Please advise. Thank you.

Nick

Nicholas M. Ward-Willis
Principal Member

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From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Tuesday, June 12, 2018 11:44 AM
To: Ward-Willis, Nicholas M.
Cc: Sachs, Joel H.
Subject: RE: Canadian Radium and Uranium Site

Nick,

You are correct as to your assessment of the timing of the work. The geoprobe sampling and all backfilling or paving, if necessary, of the small boring holes can be completed within one day. The OSC is working with the contractor to obtain the draft Work Plan and a map of proposed sampling points. We should have a copy within the next few days and will send that over to you as soon as possible. I am traveling for work this week, but will be periodically checking my email and voicemail.

Thank you,

Margo

Margo B. Ludmer
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From: Ward-Willis, Nicholas M. [mailto:NWard-Willis@kblaw.com]
Sent: Monday, June 11, 2018 5:36 PM

To: Ludmer, Margo <ludmer.margo@epa.gov>; Sachs, Joel H. <JSachs@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Good afternoon Margo, kindly advise as to my inquiry below. Thank you.

Nick

Nicholas M. Ward-Willis
Principal Member

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From: Ward-Willis, Nicholas M.
Sent: Thursday, June 07, 2018 1:38 PM
To: 'Ludmer, Margo'; Sachs, Joel H.
Subject: RE: Canadian Radium and Uranium Site

Margo, thank you for the update. Our client will be disappointed to learn of EPA's position as regards potential damages, but will appreciate the ability to work around the business hours disruption concern.

When do you anticipate you will be able to provide us with a copy of the Work Plan (a draft would be acceptable for discussion purposes). The most important part of the Work Plan is the site map detailing proposed sampling location and description of the work to be performed. It would also be helpful to know how long each discrete task will take. I presume the gamma survey should only take a few hours and be completed in one day. I assume the canisters is just a matter of placing them and then retrieving them a set number of hours/days later. I presume the geoprobe will be preceded by underground utility mark outs and the actual drilling of the geoprobe sample points and backfilling is the main question as to length of time to complete.

Please advise. Thank you.

Nick

From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Thursday, June 7, 2018 11:20 AM

To: Sachs, Joel H.; Ward-Willis, Nicholas M.
Subject: RE: Canadian Radium and Uranium Site

Joel and Nick,

Thank you for taking the time to speak with me last week regarding EPA assessment work at 125 Kisco Avenue. To follow up on our conversation, EPA does not make funds available to compensate property owners in your client's position, nor would EPA indemnify your client. That being said, we are certainly understanding of the concerns that you have raised and would endeavor to perform the assessment work in as unobtrusive a manner as possible. EPA may be able to perform some or all of the work during non-business hours, but that is dependent upon the dealership's hours of operation and EPA availability/payment of overtime compensation.

As discussed, the QAPP is in draft form. However, I am working to get you a copy to the extent that it might be useful in informing your client. EPA does not currently have plans to perform sampling on additional properties. If there are any other questions that arise, certainly do not hesitate to call or email me. I look forward to our continued collaboration on this matter.

Sincerely,

Margo B. Ludmer
Assistant Regional Counsel
NY/Caribbean Superfund Branch
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From: Ludmer, Margo
Sent: Friday, June 01, 2018 10:22 AM
To: 'Sachs, Joel H.' <JSachs@kblaw.com>
Cc: Ward-Willis, Nicholas M. <NWard-Willis@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Joel,

I am available at 1pm today for a call.

Thanks,

Margo B. Ludmer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
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From: Sachs, Joel H. [mailto:JSachs@kblaw.com]
Sent: Thursday, May 31, 2018 1:42 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: Ward-Willis, Nicholas M. <NWard-Willis@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Margo-Our client is presently out of the country and we have not discussed with him. My partner, Nick Ward Willis, is working with me on this matter. Can the 3 of us discuss on Fri. at 1pm? If so, Nick and I can call you. Thanks.

Joel H. Sachs
Senior Counsel

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From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Thursday, May 31, 2018 10:36 AM
To: Sachs, Joel H.
Subject: RE: Canadian Radium and Uranium Site

Hello Joel,

Please let me know as soon as possible whether your client is willing to grant EPA access to 125 Kisco Avenue for the purposes of conducting radiological surveying and sampling activities. This matter is time-sensitive as EPA seeks to perform the work in June and must make arrangements with the contractor.

Thank you,

Margo B. Ludmer
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From: Ludmer, Margo
Sent: Monday, May 21, 2018 1:01 PM
To: 'jsachs@kblaw.com' <jsachs@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Joel,

I am also forwarding along an access form from Dan Gaughan for your client's signature. We can discuss this form during our call this week.

Thanks,

Margo B. Ludmer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
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From: Ludmer, Margo
Sent: Friday, May 18, 2018 12:03 PM
To: 'jsachs@kblaw.com' <jsachs@kblaw.com>
Subject: RE: Canadian Radium and Uranium Site

Joel,

Thank you for your time today. As requested, the case that I mentioned to you is 105 Mt. Kisco Associates LLC v. Paul Carozza, docket number 7:15cv5346, which is currently before Judge Roman of the Southern District of New York. I look forward to speaking next week.

Regards,
Margo

Margo B. Ludmer
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From: Sachs, Joel H. [mailto:JSachs@kblaw.com]
Sent: Friday, May 18, 2018 9:36 AM
To: Gaughan, Daniel <Gaughan.Daniel@epa.gov>
Subject: Canadian Radium and Uranium Site

Dan- Good speaking to you. Mr. Cannistra asked us to look into this matter bon his behalf. Please call with Margo at your convenience. Thanks. Joel.

Joel H. Sachs
Senior Counsel

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