Message

From: Norman Bernstein [nwbernstein@nwbllc.com]
Sent: 4/15/2021 5:54:01 PM
To: Krueger, Thomas [krueger.thomas@epa.gov]
CC: Peter Racher [pracher@psrb.com]; Ohl, Matthew [ohl.matthew@epa.gov]; DPetroff [DPetroff@idem.IN.gov]
Subject: Re: Third Site informal dispute

Flag: Follow up

Thanks Tom

We had assumed that we were all working to reach consensus on at least a technical level as to what needs to be done in the Third Site DNAPL area before doubling back and trying to resolve the linguistic matter (since we seemed to be close as to the technical issues).

As you will recall, in January 2021, Geosyntec submitted its proposed Work Plan focusing on cleaning out the sumps, bioremediation of two hot spots the P-1, and PSGS-11 areas, and the addition of two monitoring wells that Matt wanted in the south west portion of the DNAPL area.

Since that time, the clean-out of the sumps has been completed (we are awaiting the results of the resampling of those sumps), and Geosyntec has responded to EPA'a questions about the Work Plan. Most recently on April 12, Geosyntec responded in detail to EPA's request for an analysis of the prior unsuccessful Chemox attempts in the DNAPL area. As far as we are able to determine, all of the questions from EPA have been responded to.

As to the linguistic approach you propose, assuming that we have consensus on what is to be done on a technical level, all that would be required would be to delete the word "specifically" from the language you propose.

Hope this addresses your question.

All the best and stay safe.

Norm

PS - I will be out of the Country on vacation with very limited or no email access from April 20 through May 1.

On Wed, Apr 14, 2021 at 6:26 PM Krueger, Thomas <krueger.thomas@epa.gov> wrote:

Dear Peter and Norm,

EPA has not received a response to the proposed resolution of the dispute described below. Could you please confirm whether this proposal resolves the matter? Thank you for your consideration.

Tom Krueger

From: Krueger, Thomas
Sent: Wednesday, February 24, 2021 3:43 PM
To: Norman Bernstein <nwbernstein@nwbllc.com>; Peter Racher <pracher@psrb.com>
Cc: Ohl, Matthew <ohl.matthew@epa.gov>; Douglas Petroff <DPetroff@idem.IN.gov>
Subject: Third Site informal dispute

Dear Peter and Norm,

Thank you for a productive conversation on Feb. 16, 2021, following up on the informal dispute resolution process you requested in your letters dated January 15 and January 19, 2021. Based on that discussion, the parties agreed to continue their informal efforts to resolve the issue the Trustees raised concerning language in the notes on three figures in the DNAPL Area Supplemental Sampling Report. EPA proposes the following revised language for the notes at issue, consistent with our conversation:

"Bold font indicates a sampling point where the result exceeds a 90 percent reduction in total VOCs (4,285 ug/L). These samples were collected to gather information on contaminant distribution within the DNAPL containment area following ERH, and not specifically for the purpose of compliance monitoring."

Please advise whether that language addresses the concerns we discussed. We also look forward to receiving the additional information you are developing on further measures to achieve cleanup standards for treatment of the DNAPL area.

Sincerely,

Tom Krueger

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