Message

From: Ludmer, Margo [ludmer.margo@epa.gov]
Sent: 3/26/2020 7:27:51 PM
To: Carl Garvey [cgarvey@racertrust.org]
CC: Doyle, James [Doyle.James@epa.gov]; Brendan Mullen [bmullen@racertrust.org]
Subject: RE: Clarification letter re OU-2 takeover // R2-NYSDEC Cooperative Agreement

Thanks, Carl. I see no issue with that change. We will finalize the letter as soon as possible and share a copy of the executed version with you and Brendan.

From: Carl Garvey <cgarvey@racertrust.org>
Sent: Thursday, March 26, 2020 3:16 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: Doyle, James <Doyle.James@epa.gov>; Brendan Mullen <bmullen@racertrust.org>
Subject: RE: Clarification letter re OU-2 takeover // R2-NYSDEC Cooperative Agreement

Thank you, Margo – good letter. Our only suggested change is in the first sentence, as follows:

"In furtherance of the U.S. Environmental Protection Agency's ("EPA's") December 12, 2019 letter to the New York State Department of Environmental Conservation ("NYSDEC"), wherein, in response to NYSDEC's request, EPA agreed to assumed the lead for OU2 of the GM-IFG subsite, I am writing to memorialize the understanding between EPA and NYSDEC regarding the transition of enforcement responsibilities for OU2."

--Carl

From: Ludmer, Margo <ludmer.margo@epa.gov>
Sent: Thursday, March 26, 2020 1:00 PM
To: Carl Garvey <cgarvey@racertrust.org>
Cc: Doyle, James <Doyle.James@epa.gov>; Brendan Mullen <bmullen@racertrust.org>
Subject: RE: Clarification letter re OU-2 takeover // R2-NYSDEC Cooperative Agreement

Carl,

Please find attached the draft letter to DEC concerning the OU2 enforcement transition. Given the time-sensitivity, we wanted to get this out to you as quickly as possible. However, please note that the draft is subject to further government review.

Best,
Margo

From: Carl Garvey <cgarvey@racertrust.org>
Sent: Wednesday, March 25, 2020 3:55 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: Doyle, James <Doyle.James@epa.gov>; Brendan Mullen <bmullen@racertrust.org>
Subject: Re: Clarification letter re OU-2 takeover // R2-NYSDEC Cooperative Agreement

Thank you very much for your helpful replies, Margo. --Carl

Sent from my iPhone

On Mar 25, 2020, at 12:44 PM, Ludmer, Margo <ludmer.margo@epa.gov> wrote:

Carl,

The 1993 cooperative agreement (attached) was closed out in 2008.

There is no separate and active agreement between the agencies regarding management of the site.

Margo

From: Ludmer, Margo
Sent: Wednesday, March 25, 2020 2:35 PM
To: Carl Garvey <cgarvey@racertrust.org>; Doyle, James <Doyle.James@epa.gov>
Cc: Brendan Mullen <bmullen@racertrust.org>
Subject: RE: Clarification letter re OU-2 takeover // R2-NYSDEC Cooperative Agreement

Hi Carl,

I am working on getting you the requested information and documents, and will send them to you as soon as possible. With respect to the draft letter, we are still in discussion with DEC regarding certain substantive aspects of the letter. Once those issues have been ironed out--and I anticipate that happening later today or early tomorrow--we can share the draft with you. EPA and DEC are mindful of the filing deadline and are moving quickly to come to an understanding on the draft language in the letter.

Best regards and hope you are also holding up okay.

Margo

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: Carl Garvey <cgarvey@racertrust.org>
Sent: Wednesday, March 25, 2020 12:16 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>; Doyle, James <Doyle.James@epa.gov>
Cc: Brendan Mullen <bmullen@racertrust.org>
Subject: Clarification letter re OU-2 takeover // R2-NYSDEC Cooperative Agreement

Hi Jim and Margo: I hope you are holding up okay in the shelter-in-place world.

We are working with our litigator Alan Knauf (Knauf Shaw) on the sur-reply requested by Judge Hurd in the Ley Creek OU-2 contribution case. The sur-reply, which as you'll recall will be focused on the R2 takeover of the OU-2 lead, needs to be submitted on Monday, 3/30.

Toward that end, could you please send us a draft of the clarification letter from R2 to NYSDEC regarding the timing of the takeover by R2? Also, could you send us a copy of the 1993 Cooperative Agr't between R2 and NYSDEC, and any amendments thereto?

We think it will be helpful to refer to the Cooperative Agr't (assuming it's still an active Agr't) to show that there is some process for sharing SF Site responsibilities between the two agencies.

And finally, by any chance is there a separate & active agreement between R2 and NYSDEC on how the Onondaga Lake NPL Site is being managed between the agencies? If so, could you please also send us a copy of that?

Thanks. --Carl

Carl P. Garvey
General Counsel
RACER Trust
Mobile: 734-890-8591

<Onondaga Lake 1993 Cooperative Agreement Award.pdf>