**To:** Williams, Thomas[williams.tom@epa.gov]
**Cc:** Asque, Gillian[asque.gillian@epa.gov]; Clark, Jacqueline[clark.jacqueline@epa.gov]; Byl, John[JByl@wnj.com]
**From:** Hubbard, Scott
**Sent:** Wed 1/10/2018 6:31:06 PM
**Subject:** RE: Wolverine - revisions to Wolverine's markup of EPA proposed consent order.

Tom,

We appreciate the efforts of the EPA to work on the terms of a possible Administrative Order on Consent ("AOC" or "Order"). After reviewing the terms of EPA's revised draft, however, we do not believe it is feasible to reach agreement today on the terms of an AOC that could be executed by both parties. Wolverine will continue to cooperate with EPA, and of course, will continue to work with the DEQ on all of the PFAS issues as it has for months.

We wish to reiterate several important points in the Findings of Fact section of the draft Order that we hope are considered carefully in advance of any further action by EPA, including the issuance of any UAO. The revised draft of the AOC includes allegations regarding copper and lead in drinking water wells near both the Tannery and the House Street site. The inclusion of this language is at odds with the purpose of the Order. The purpose of the Order, as we understand it, is to require Wolverine to address non-PFAS compounds in the soil and groundwater at the Tannery and House Street sites.

There are several reasons why the statements about copper and lead in drinking water wells are misleading and should not be present in any Order, UAO, or other documents or further action by EPA. First, we have provided data from wells at the House Street site that show **no detectable levels** of either copper or lead in any of the wells, including those at the southern part of the site, immediately adjacent to House Street and downgradient of the House Street parcel. Also, the few metals found in some of the 37 residential wells in the vicinity of the House Street site were well below any residential drinking water criteria, and it is readily apparent that these metals are associated with typical well construction materials – not with the House Street site. The data from these residential wells have been provided to EPA, and we urge you to review that information before including Findings of Fact that are, at a minimum, misleading and inflammatory. This kind of misinformation will unnecessarily create anxiety among residents in the community, and does not serve any valid purpose under the Order.

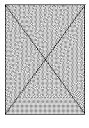
We also want to raise a few issues relating to the Tannery. First, we would note that there are no drinking water wells near the Tannery, as suggested in the draft Finding of Fact described

above. Second, we want to reiterate our recent calls and correspondence, in which we pointed out the substantial investigation work that Wolverine has already conducted with respect to non-PFAS compounds at the Tannery site over the course of the past seven years. The first phase of investigation at the site after demolition of the Tannery occurred in the spring of 2011, and considerable investigation work has been done on non-PFAS compounds since that time. As you are undoubtedly aware, included in this was a preliminary assessment report that the DEQ submitted to EPA in 2012. The EPA also issued a 104(e) request to Wolverine, and Wolverine provided substantial information in response to that request in 2012. Since then, there have been several phases of investigation completed at this site relating to non-PFAS compounds, and Wolverine has worked diligently with the DEQ to assess and address those compounds. In addition, EPA has received regular reports on Wolverine's work at the Tannery site since 2012.

Wolverine would be pleased to have its consultant meet with EPA representatives or its consultants to go over any of the historical information. We want to be sure that we can efficiently provide helpful background information to EPA concerning the results of these past investigations.

Scott

**Scott D. Hubbard**
Partner
**Profile** | **VCard**



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**From:** Williams, Thomas [mailto:williams.tom@epa.gov]
**Sent:** Tuesday, January 09, 2018 7:13 PM
**To:** Hubbard, Scott <SHubbard@wnj.com>
**Cc:** Byl, John <JByl@wnj.com>; Asque, Gillian <asque.gillian@epa.gov>; Clark, Jacqueline <clark.jacqueline@epa.gov>
**Subject:** Wolverine - revisions to Wolverine's markup of EPA proposed consent order.

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Scott, thank you again for taking providing the redline-strikeout version of the proposed AOC and for discussing it with Jacqueline, Gillian and me earlier today. With the thought that it could help speed this forward, I am attaching a revised version of the AOC that accepts the Wolverine proposals that we agreed to accept today and retains the language EPA wishes to retain, and identifies proposed language changes that we offer in compromise to your proposed edits. Please note that our acceptance of certain changes you proposed is in the spirit of reaching an agreed instrument; EPA would reserve its position as to the several factual matters we discussed if our efforts to arrive at a consent instrument are unsuccessful.

We will be checking our email messages this evening in the event you have suggestions or other information to share with us in the very near term.

Timing-wise, please also note that to have an effective and timely document, I will need to obtain the Superfund Division Director's signature and then docket the final AOC with our Regional Clerk before 4:30 pm Central tomorrow. We believe this is achievable if we can discuss all remaining issues at your earliest convenience tomorrow.

Tom M. Williams

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