To: CN=Paul Simon/OU=R2/O=USEPA/C=US@EPA;CN=Thomas Lieber/OU=R2/O=USEPA/C=US@EPA[]; N=Thomas Lieber/OU=R2/O=USEPA/C=US@EPA[]
Cc: []
Bcc: []
From: CN=Douglas Fischer/OU=R2/O=USEPA/C=US
Sent: Fri 8/13/2010 8:04:09 PM
Subject: Fw: Hudson

Douglas Fischer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
212/637-3180 (voice)
212/637-3104 (fax)
----- Forwarded by Douglas Fischer/R2/USEPA/US on 08/13/2010 04:02 PM -----

From: Walter Mugdan/R2/USEPA/US
To: king.david@epa.gov, Garbarini.Doug@epamail.epa.gov, Benny Conetta/R2/USEPA/US@EPA, fischer.douglas@epa.gov
Cc: mears.mary@epa.gov
Date: 08/13/2010 03:58 PM
Subject: Hudson

Just spoke with Bruce Adler. We are confirmed for meetings on 8/27 and 9/17 -- GE will arrive 10 AM on both dates. I sent out a scheduler starting with a pre-meeting at 9 AM (but it could be 9:30). The scheduler takes the meeting out to 2 PM, but Ann Klee probably has to leave around 1 pm. Finally, we agreed to add a contingency 3rd meeting for 9/23, same time frames.

Bruce asked about the source or basis of EPA's internal deadline of 9/30. I explained what I said to John Haggard two days ago -- this is not at all "bean" driven, but is an internal target. As Bruce knows very well, I believe that target deadlines are what gets things done, even if one ends up having to move the deadline a bit. I also pointed out that we wanted to make sure the opt in/opt out date was not further delayed, because we did not wish to affect the ability to dredge in 2011. Bruce responded that he understands, but GE is worried that 9/30 won't give us enough time to work through everything as carefully as we need to. He floated the idea that GE might "give up" some of its 90 days, to allow us to make our decision later while not changing the 12/30 opt-in/opt-out date. I said this is an interesting proposal, which we would consider. I said I could imagine that if we find ourselves in early to mid-September and feel that we would not have time to (a) make our decisions and (b) fully discuss them with GE before 9/30, then we might wish to take GE up on a proposal of this sort. Bruce and I each agreed to discuss it further with our respective colleagues. In this context, I did raise the timing of the proposed sampling effort that has been under discussion, but hasn't been committed to. I pointed out that a 6-week sampling effort would really have to start no later than mid-September; but that we probably would not by that date have the kind of "package deal' that Ann Klee said she wanted. Bruce understood this, and will discuss it further.

Bruce did not express any concern or surprise that we would be posting the draft peer report on the web.

Bruce agreed that it is GE's understanding that comments back to the peers will be due in two weeks, i.e. August 27. He did not disagree when I said it was our understanding that comments are supposed to be limited to correcting factual errors. During a subsequent discussion, he implied strongly that GE will use this occasion to place the 920 kg number before the peers (no surprise). I said that while I might consider a simple statement "correcting" the 1200 figure that GE spoke at the May meeting to be a reasonable interpretation of the understanding about the scope of comments, I did not think that the accompanying 500 =/- page submission of June 28 would fit into that category. He suggested that GE might do something in between -- not just one sentence, but not 500 pages either.