To: Vaughn, Stephanie[Vaughn.Stephanie@epa.gov]
Cc: Willard Potter[otto@demaximis.com]; Basso, Ray[Basso.Ray@epa.gov]; Mike Barbara[mab.environmental@gmail.com]
From: Robert Law
Sent: Mon 5/4/2015 2:09:50 PM
Subject: Re: Comments, Draft BERA....

Stephanie:
What is a good time to call today - the CPG has a few questions...

Thanks

Rob

Robert Law, Ph.D.
de maximis, inc.
rlaw@demaximis.com
Voice: 908-735-9315
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>>> "Vaughn, Stephanie" <Vaughn.Stephanie@epa.gov> 5/1/2015 1:42 PM >>>
Hi Rob,

Attached are EPA's comments on the draft Baseline Ecological Risk Assessment submitted by the CPG in June 2014. As you will see, the comments are lengthy and substantial. As is noted in the comments, the document makes several faulty assumptions and presents the information in a non-transparent and unclear manner. As a result, the document will need to be completely rewritten.

The next version of the draft BERA will require a complete and thorough review by EPA and the partner agencies. Despite the large number, the comments included herein by no means represent all of EPA's concerns with the document; we tried to focus these comments on the larger issues. As such, no section of this report is off limits for further comment. Lack of a comment on a particular section during this round does not mean that EPA necessarily approves the language used or conclusions made. Several of the general comments affect the entire document, so significant revisions will be necessary to nearly every section of the report.

In accordance with Section X, Paragraph 46 of the AOC, you have up to 60 days to submit a revised draft BERA for EPA's full review, as well as a detailed response to comments. Please keep in mind that if the next draft of the document is as deficient as this draft, then EPA may elect to modify the document itself pursuant to Paragraph 44 of the AOC, and, as per Paragraph 47 of the AOC, the CPG would be required to accept the findings of the modified report (subject to dispute resolution).

Please let me know if you would like to discuss any of the comments prior to submitting a response, and if you have any questions.

Thank you,

Stephanie
212-637-3914