To: Lauren Charney/R2/USEPA/US@EPA;[LuisMendez@ongov.net]; LuisMendez@ongov.net>[]
From: "Kevin C. Murphy"
Sent: Wed 10/26/2011 10:33:45 PM
Subject: RE: Lower Ley Creek
kmurphy@wladislawfirm.com
kmurphy@wladislawfirm.com
mailto:Charney.Lauren@epamail.epa.gov
kmurphy@wladislawfirm.com
mailto:Charney.Lauren@epamail.epa.gov
kmurphy@wladislawfirm.com

Thank you, Lauren.

We will check our records to confirm prior receipt.

Having only looked at your first e-mail very quickly, I believe the County will request either a call or group conference call to discuss further those results.

Kevin C. Murphy

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From: Charney.Lauren@epamail.epa.gov [mailto:Charney.Lauren@epamail.epa.gov]
Sent: Wednesday, October 26, 2011 6:12 PM
To: Kevin C. Murphy; LuisMendez@ongov.net
Subject: RE: Lower Ley Creek

Kevin and Luis,
According to my records, EPA has sent you the following documents regarding Lower Ley Creek:

1. LLC Subsite Evaluation
2. November 2009 sampling data
3. Sediment and Fish Tables summarizing Nov 2009 data
4. PCBs in Sediment Map March 2010
5. Dioxin in Sediment Map March 2010
6. Proposed May 2010 Sampling Memo
7. Swale area map of May 2010 sampling
8. Sept to October 2011 sampling sites map

If I am mistaken and you do not have one of these documents, please let me know and I'll resend it to you.

In light of the ongoing Motors Liquidation Company bankruptcy proceeding, I am not able to respond to your requests that concern the proof of claim filed by the Dept of Justice in that case. The attached documents, however, should address many of your questions. Please note, because EPA is not a natural resources trustee, I have not provided any information regarding NRD. I suggest you contact the appropriate federal or state agency for NRD information. In addition, for more information on the IFG and Deferred Media subsite, I suggest you contact NYSDEC, as that subsite is state-lead and the state should have more information available.

Attached to this email is the ROD for the Ley Creek PCB Dredgings Subsite, the subsite evaluation for the IFG subsite, and a map of the sampling data for OLCC as of July 2009. In a separate email to the PRPs at Lower Ley Creek, I provided the mobile lab sampling data for the most recent sampling event.

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From: "Kevin C. Murphy" <KMurphy@WladisLawFirm.com>
To: Lauren Charney/R2/USEPA/US@EPA
Cc: <LuisMendez@ongov.net>
Date: 10/17/2011 10:55 AM
Subject: RE: Lower Ley Creek

Lauren:

Thank you for your reply. I was out of the office late Thursday and all day on Friday; this is my first opportunity to reply to your offer. The County is certainly willing to proceed informally and would welcome an opportunity in the next few weeks to ask any questions we might have of Pam Tames.

Again, thank you generally and for the information in your initial response.

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From: Charney.Lauren@epamail.epa.gov [mailto:Charney.Lauren@epamail.epa.gov]
Sent: Thursday, October 13, 2011 5:24 PM
To: Kevin C. Murphy
Cc: LuisMendez@ongov.net
Subject: RE: Lower Ley Creek

Kevin and Luis,
I appreciate the opportunity to resolve your inquiry informally rather than going through the FOIA process. To address your first bullet point, EPA did not perform the 1994 or 1998 sampling. I suggest you ask NYSDEC for this information. Attached to this email is the sampling map for the most recent sampling event (which concluded last week). Many of the locations sampled were selected based on information derived from the contractor drawings/daily reports you provided us. We do not yet have validated data for this sampling event but I will

provide it to you as soon as it is available. In response to your other requests, it will take me a few days to go through my records to figure out what information we have already provided the County and if there is information or documentation that has not yet been provided. I hope you will consider holding off on submitting the FOIA request for at least a few days to allow me some time to look through my records.

Additionally, if you'd like, I can arrange a call with the remedial project manager, Pam Tames, to go over any questions you have about the sampling events/data.

Regards,
Lauren

From: "Kevin C. Murphy" <KMurphy@WladisLawFirm.com>
To: Lauren Charney/R2/USEPA/US@EPA
Cc: <LuisMendez@ongov.net>
Date: 10/13/2011 03:40 PM
Subject: RE: Lower Ley Creek

Lauren:

Luis Mendez and I want to thank you for your quick response last week to our questions re: Lower Ley Creek. I have been meaning to acknowledge receipt of your reply since last week but things have been hectic.

Luis and I also want to give you a heads up on the County's decision to submit a FOIA request to EPA w/ respect to matters related to Ley Creek in general and Lower Ley Creek in particular. I have attached a copy of the working draft of that request. It will not be finalized until next week some time. If there are requests that you think we should discuss before the formal request is made or information that is available because Onondaga County is an identified PRP and a request is not needed, please send me and e-mail or give me a call and we can arrange to discuss those issues before any request is formally made.

If you see no issues or have no concerns, the County will finalize and submit the request within the next week to 10 days.

Thank you.

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From: Charney.Lauren@epamail.epa.gov [mailto:Charney.Lauren@epamail.epa.gov]
Sent: Thursday, October 06, 2011 3:19 PM
To: Kevin C. Murphy
Subject: Re: Lower Ley Creek

Kevin and Luis,
EPA has been conducting additional sampling this week and last week. I do not have any additional finalized data for you at this point. I also do not have an estimated date as to the completion of the RI, because it depends on the results of this sampling event.

Regarding your inquiry about additional PRP information submittals: are you asking if EPA would be interested in receiving information about the operations of noticed and non-noticed PRPs at this subsite? EPA would accept such information, but to date (to my knowledge) has not received anything from any of the noticed PRPs.

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From: "Kevin C. Murphy" <KMurphy@WladisLawFirm.com>
To: Lauren Charney/R2/USEPA/US@EPA
Cc: <LuisMendez@ongov.net>
Date: 10/06/2011 10:08 AM
Subject: Lower Ley Creek

Lauren:

I am writing on behalf of Onondaga County seeking an update on the status of Lower Ley Creek, Old Ley Creek, the swale and flood plain RI investigation. The County understands sampling is on-going or only recently completed. Is the County's understanding correct? Regardless of the answer, does EPA expect to have an RI completed by the end of 2011 or is spring 2012 more likely?

I am also writing to inquire as to the date by which any additional PRP information submittals would need to be made to EPA so as to be of assistance in the on-going RI process. The County is actively investigating/inquiring if such information exists, but does not have any such information in its possession at this time.

Thank you.

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