To: "McCreary, Jean" [JMcCreary@nixonpeabody.com]
Cc: "Susan Kovach" [kovacsa@libbey.com]
Bcc: []
From: CN=Lauren Charney/OU=R2/O=USEPA/C=US
Sent: Tue 3/2/2010 10:06:58 PM
Subject: RE: Lower Ley Creek RI/FS

Jean,

Thank you for responding to my email. I was out of the office Thursday through Monday, so I apologize for not getting back to you sooner. I just received a disk with the November 2009 sampling data today. I will make copies and send them out to the Lower Ley Creek PRPs tomorrow with guidelines on how to understand the contents. As to your other questions:

The risk assessment will be quantitative. I believe it will use the same benchmarks as those used at the Lake Bottom Subsite.
As of now, EPA doesn't anticipate the need to do other sampling, but this may change if, upon further analysis of the data, it appears that the deepest samples are contaminated. If this is the case, we may need to go back and take deeper samples.

Once all the parties receive and have an opportunity to review the data, I will schedule another group-wide call. If you'd like to discuss this sooner, feel free to contact me.

Regards,

Lauren P. Charney
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel, EPA Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3181
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From: "McCreary, Jean" <JMcCreary@nixonpeabody.com>
To: Lauren Charney/R2/USEPA/US@EPA
Cc: "Susan Kovach" <kovacsa@libbey.com>, "McCreary, Jean" <JMcCreary@nixonpeabody.com>
Date: 02/27/2010 09:48 PM
Subject: RE: Lower Ley Creek RI/FS

Lauren, I am not speaking for any group (I represent Syr China, which desires to find a way to achieve closure on this, but cannot proceed alone), but I do think that in order for the PRP group to really consider the possibility of performing the work, there needs to be a clear understanding of the intended scope...whether additional sampling is anticipated, whether the risk assessment will be qualitative or quantitative, whether there is a presumptive remedy or whether EPA wants a full-blown evaluation of all remedial alternatives, etc. I think most of us were thinking that the data would help us answer some of the

questions and then, once available for review, we could have a call with your technical folks to explore exactly the scope of the RI/FS request. Is there any way you can share with us the preliminary (unvalidated) data so that we can have a meaningful discussion about what we are being asked to do and what the magnitude of it is? EPA has stated that it intends this process to move quickly, and we understand that means a "streamlined" process, but we don't really have a grip on what that means and especially whether you have gathered more information about the role of the GM bankruptcy. I'd be happy to talk with you further, but I do think the data is critical.

Jean McCreary
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585-263-1611

-----Original Message-----
From: Charney.Lauren@epamail.epa.gov
[mailto:Charney.Lauren@epamail.epa.gov]
Sent: Wednesday, February 24, 2010 5:44 PM
To: Cirillo.Argie@epamail.epa.gov; fpavia@HarrisBeach.com; Gary.Gengel@lw.com; haustin@hancocklaw.com; McCreary, Jean; Singerman.Joel@epamail.epa.gov; jredwine@alixpartners.com; Kathleen.McFadden@UTC.COM; Keith.Odenweller@CooperIndustries.com; KMurphy@WladisLawFirm.com; kovacsa@libbey.com; LuisMendez@ongov.net; mkerwin@hblaw.com; Tames.Pam@epamail.epa.gov; RCapozza@hblaw.com; Nunes.Robert@epamail.epa.gov; thomas.goslin@weil.com
Cc: Doyle.James@epamail.epa.gov
Subject: Lower Ley Creek RI/FS

Dear Lower Ley Creek PRPs,

This email serves to update you on the status of the RI/FS for the Lower Ley Creek Subsite, for which your clients all received notice letters in November 2009. As I have told some of you, I am still awaiting the finalized data from the November sampling. I anticipate receiving the data by mid-March and will share it with the group when I do. Once the finalized data is available, EPA intends to begin the risk assessment, complete the RI report, and then prepare the FS report. I know that several of you are waiting until the data becomes available to engage in further negotiations with EPA concerning taking over the work/funding at this Subsite. However, if your client or a group of PRPs is interested in performing or funding the remainder of the RI/FS, I encourage you to get in contact with me soon, as this Subsite is a high priority within our region and we plan to move ahead quickly once the data becomes available.

Regards,

Lauren P. Charney
Assistant Regional Counsel
New York/Caribbean Superfund Branch

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