From: "Thomas, Hattie" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE;GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1EBAFC79FA94F308D9F6EBB0424E75A-THOMAS,HATTIE>

To: Brooks
Karl;Hague
Mark;Tapia
Cecilia;Hammerschmidt
Ron

CC: "Peterson, Mary" <Peterson.Mary@epa.gov>
"Washburn, Ben" <washburn.ben@epa.gov>
"Whitley, Christopher" <Whitley.Christopher@epa.gov>

Date: 2/19/2014 1:43:38 PM

Subject: Fw: Wall Street Journal - West Lake questions

FYI. This HQ's input. Working to decide who will send - HQ or R7. - HLT

From: Milbourn, Cathy
Sent: Wednesday, February 19, 2014 12:52:55 PM
To: Deitz, Randy; Thomas, Hattie
Cc: Cohen, Nancy; Gartner, Lois; Wells, Suzanne; Wilbur, Jennifer; Williams, Thea; Hull, George; Jones, Enesta
Subject: Re: Wall Street Journal - West Lake questions

Adding Enesta and George.
Cathy Milbourn, US EPA Office of Media Relations 202-420-8648

From: Deitz, Randy
Sent: Wednesday, February 19, 2014 1:47:20 PM
To: Milbourn, Cathy; Thomas, Hattie
Cc: Cohen, Nancy; Gartner, Lois; Wells, Suzanne; Wilbur, Jennifer; Williams, Thea
Subject: Wall Street Journal - West Lake questions

Cathy and Hattie, here are our responses. Any questions, please let me know.

1. I have been told that the review of the West Lake site done by the National Remedy Review Board (NRRB) was at some point changed from a full review to a consultation regarding the site. Is this correct?

A: Yes.

2. If the review was changed to a consultation, what was the reason for the change? If such a change was made, at whose direction was it made? When was such a change made?

A: As referenced in the NRRB Frequent Questions (on the EPA website), Regions may request an optional NRRB consultation on remedial alternatives at the draft feasibility study scoping stage or any time prior to the draft proposed plan. Region 7 requested that the review be changed to a consultation in May 2012 and the Office of Superfund Remediation and Technology Innovation agreed to the change. The Region requested this consultation because additional sampling and analyses would be needed to address concerns from members of the NRRB and to help inform a future potential draft proposed plan. The NRRB Frequent Questions also indicate that a consultation does not excuse a site from the NRRB review at the draft proposed plan stage if the proposed remedial action meets the NRRB review criteria.

3. If a NRRB review of West Lake was switched to a consultation is this the first instance that such a change has occurred at the NRRB? If not, please cite the other instances where such a change has happened.

A: Yes. The NRRB has conducted five consultations, all since 2009. West Lake is the only consultation that was changed after a NRRB review was begun.

4. Is it true that the report/recommendations from a NRRB review of a site is publicly available and posted on the EPA website?

A: Yes, by the publication of the proposed plan.

5. Is it true that a consultation letter (or other consultation document) regarding a site isn't routinely made public and isn't posted on the EPA website?

A: Yes. The consultation documents are considered internal technical discussions and are not posted.

6. I didn't see any review document listed for West Lake in the Region 7 section of the NRRB webpage. If such a public document exists, I'd like to get a copy.

A: No such public document exists.

7. If the NRRB did a consultation on West Lake, I'd like to get a copy of any consultation letter or consultation document issued by the NRRB regarding the site. If necessary, please consider this a request under the Freedom of Information Act.

A: This document is considered deliberative as the additional studies it recommends are still underway. It was withheld as exempt from the documents produced in response to your above-referenced FOIA.

8. The response to my previous FOIA request (EPA-R7-2014-002244) included a privilege log of documents the EPA said were exempt from release. The log refers to several drafts of documents. Were any these drafts related to a board review as opposed to a board consultation? In other words, were any of these drafts related to a board review?

A: No Board review has occurred at this time, the Region consulted with the NRRB.