

R-1115-10-Ex-635

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege; Ex. 7 - Enforcement

Allen Debus/R5/USEPA/US

08/19/2009 02:19 PM

To Catherine Garypie

cc Jeff Cahn, Mary Fulghum, Mary Logan

bcc

Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

2:00 on Friday is good

Catherine Garypie/R5/USEPA/US

Catherine

Garypie/R5/USEPA/US

08/19/2009 02:18 PM

To Jeff Cahn/R5/USEPA/US@EPA

cc Allen Debus/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA

Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL 📎

I can make 2pm (not 1:30).

Catherine Garypie, Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd. (C-14J)  
Chicago, Illinois 60604  
PH 312-886-5825  
FAX 312-692-2513  
email: garypie.catherine@epa.gov

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Jeff Cahn

ok. how about Friday at 1:30 or 2:00 p...

08/19/2009 02:16:34 PM

From: Jeff Cahn/R5/USEPA/US  
To: Mary Fulghum/R5/USEPA/US@EPA  
Cc: Allen Debus/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA  
Date: 08/19/09 02:16 PM  
Subject: Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

---

ok. how about Friday at 1:30 or 2:00 pm...does that work for people?

Jeffrey A. Cahn, Associate Regional Counsel  
Office of Regional Counsel (Mail Code C-14J)  
U.S. Environmental Protection Agency


77 West Jackson Blvd.  
Chicago, Illinois 60604  
PH: 312-886-6670  
FAX: 312-692-2971  
email: cahn.jeff@epa.gov

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Mary Fulghum	I lied. I'm not available from 8:30- 12:30...	08/19/2009 02:15:06 PM
Allen Debus	I'd prefer Friday AM, but I can also do 3...	08/19/2009 02:06:26 PM

Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
08/19/2009 02:05 PM

To Mary Logan/R5/USEPA/US@EPA  
cc Allen Debus/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL 

3:30 call with Dow today.

Friday morning works for me, Mary F., Al, and Catherine. How about you?


Jeffrey A. Cahn, Associate Regional Counsel  
Office of Regional Counsel (Mail Code C-14J)  
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Mary Logan	I have a call from 8 - 2 on Thursday. I...	08/19/2009 01:58:55 PM
------------	--------------------------------------------	------------------------

Allen Debus/R5/USEPA/US

Allen Debus/R5/USEPA/US  
08/19/2009 01:51 PM

To Jeff Cahn/R5/USEPA/US@EPA  
cc Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL 

I'm available either tomorrow or Friday. How about tomorrow (Thursday) morning at 9:30?

Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US

08/19/2009 01:37 PM

To Mary Fulghum/R5/USEPA/US@EPA, Allen  
Debus/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA

cc

Subject Dow/Midland Superfund Cleanup and Bay City RCRA work -  
CONFIDENTIAL

Mary F. and Al:

Mary L., Catherine, and I would like to speak with you this week, if possible, to get an update about status, to talk about [REDACTED]

*Ex. 5 Attorney Client*

I think this can be a 30 minute conversation, and can be done by phone to accommodate flexiplace schedules.

I am generally free this week, except late Thursday morning, and Thursday afternoon after 2:00 pm.

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R-1115-10-Ex-631

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege; Ex. 7 - Enforcement

Allen Debus/R5/USEPA/US

To Jeff Cahn

08/19/2009 01:51 PM

cc Catherine Garypie, Mary Fulghum, Mary Logan

bcc

Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

I'm available either tomorrow or Friday. How about tomorrow (Thursday) morning at 9:30?

Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US

08/19/2009 01:37 PM

To

Subject Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

Mary F. and Al:

Mary L., Catherine, and I would like to speak with you this week, if possible, to get an update about status, to talk about

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R-1115-10-Ex-632  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege; Ex. 7 - Enforcement


Allen Debus/R5/USEPA/US  
08/19/2009 02:06 PM

To Jeff Cahn  
cc Catherine Garypie, Mary Fulghum, Mary Logan  
bcc  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

I'd prefer Friday AM, but I can also do 3:30 today (but I'll be tuning out shortly after 4 PM).

Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
08/19/2009 02:05 PM

To Mary Logan/R5/USEPA/US@EPA  
cc Allen Debus/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL 

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Mary Logan | I have a call from 8 - 2 on Thursday. I... | 08/19/2009 01:58:55 PM


From: Mary Logan/R5/USEPA/US  
To: Allen Debus/R5/USEPA/US@EPA  
Cc: Catherine Garypie/R5/USEPA/US@EPA, Jeff Cahn/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA  
Date: 08/19/2009 01:58 PM  
Subject: Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

---

I have a call from 8 - 2 on Thursday. I may (hopefully) wrap up early, but I can;t guarantee. I could be available after 2 or any time by phone on Friday. Or, what about today at 3?

Allen Debus/R5/USEPA/US

Allen Debus/R5/USEPA/US  
08/19/2009 01:51 PM

To Jeff Cahn/R5/USEPA/US@EPA  
cc Catherine Garypie/R5/USEPA/US@EPA, Mary  
Fulghum/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA  
work - CONFIDENTIAL 

I'm available either tomorrow or Friday. How about tomorrow (Thursday) morning at 9:30?


Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
08/19/2009 01:37 PM

To Mary Fulghum/R5/USEPA/US@EPA, Allen  
Debus/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA  
cc

Subject Dow/Midland Superfund Cleanup and Bay City RCRA work -  
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Mary L., Catherine, and I would like to speak with you this week, if possible, to get an update about status, to talk about 

*Ex. 5 Attorney Client*

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Allen Debus/R5/USEPA/US

08/19/2009 02:12 PM

To Jeff Cahn

cc Catherine Garypie, Mary Fulghum, Mary Logan

bcc

Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

I will be in the office on Friday.

Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US

08/19/2009 02:10 PM

To Allen Debus/R5/USEPA/US@EPA

cc Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA

Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL 

Is everybody in the office on Friday morning? If so, I will get a room for us.

If you will not be in, the let me know, and I will arrange for a call-in number.

Jeffrey A. Cahn, Associate Regional Counsel  
Office of Regional Counsel (Mail Code C-14J)  
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Allen Debus

I'd prefer Friday AM, but I can also do 3...

08/19/2009 02:06:26 PM


From: Allen Debus/R5/USEPA/US  
To: Jeff Cahn/R5/USEPA/US@EPA  
Cc: Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA  
Date: 08/19/2009 02:06 PM  
Subject: Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

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Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
08/19/2009 02:05 PM

To Mary Logan/R5/USEPA/US@EPA  
cc Allen Debus/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA, Mary  
Fulghum/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA  
work - CONFIDENTIAL 

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Allen Debus/R5/USEPA/US

Allen Debus/R5/USEPA/US  
08/19/2009 01:51 PM

To Jeff Cahn/R5/USEPA/US@EPA  
cc Catherine Garypie/R5/USEPA/US@EPA, Mary  
Fulghum/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA  
work - CONFIDENTIAL 

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Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
08/19/2009 01:37 PM

To Mary Fulghum/R5/USEPA/US@EPA, Allen

Debus/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA

cc

Subject: Dow/Midland Superfund Cleanup and Bay City RCRA work -  
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Mary F. and Al:

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Allen Debus/R5/USEPA/US  
08/19/2009 02:19 PM


To Mary Fulghum  
cc Catherine Garypie, Jeff Cahn, Mary Logan  
bcc  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

way early on Friday isn't good for me....

Friday afternoon then??

Mary Fulghum/R5/USEPA/US

Mary Fulghum/R5/USEPA/US  
08/19/2009 02:15 PM

To Allen Debus/R5/USEPA/US@EPA  
cc Catherine Garypie/R5/USEPA/US@EPA, Jeff Cahn/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA  
Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL 

I lied. I'm not available from 8:30- 12:30 on Friday- a public meeting in W. Chicago. I get in at 7:30 on Friday -so early would work.

Allen Debus | I'd prefer Friday AM, but I can also do 3... | 08/19/2009 02:06:26 PM


From: Allen Debus/R5/USEPA/US  
To: Jeff Cahn/R5/USEPA/US@EPA  
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cc Allen Debus/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA  
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08/19/2009 01:51 PM

To Jeff Cahn/R5/USEPA/US@EPA  
cc Catherine Garypie/R5/USEPA/US@EPA, Mary Fulghum/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA  
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Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
08/19/2009 01:37 PM

To Mary Fulghum/R5/USEPA/US@EPA, Allen Debus/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA  
cc

Subject Dow/Midland Superfund Cleanup and Bay City RCRA work - CONFIDENTIAL

Mary F. and Al:

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R-1115-10-Ex-397  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

Beth Henning/R5/USEPA/US  
12/23/2008 09:40 AM

To John Steketee  
cc Beverly Kush  
bcc  
Subject

[Redacted]  
*Ex. 5 Attorney Client*

Hi John,

The following from one of our oil contacts at HQ.  
Beth

Beth A. Henning  
Oil Planning and Response Section  
Emergency Response Branch  
U.S. Environmental Protection Agency  
77 W. Jackson Blvd. (SE-5J)  
Chicago, IL 60604  
phone 312.886.5892  
fax 312.353.9176  
henning.beth@epa.gov

----- Forwarded by Beth Henning/R5/USEPA/US on 12/23/2008 09:39 AM -----

Amy Legare/DC/USEPA/US  
12/22/2008 09:52 AM

To Beth Henning/R5/USEPA/US@EPA  
cc Robert Kenney/DC/USEPA/US@EPA  
Subject

[Redacted]  
*Ex. 5 Attorney Client*



[Redacted]

[Redacted]

[Redacted]  
*Ex. 5 Attorney Client*

[Redacted]

*Ex. 5 Attorney Client*

Beth Henning    hmm, interesting. I have not had direct...    12/18/2008 02:06:10 PM

From: Beth Henning/R5/USEPA/US  
To: John Steketee/R5/USEPA/US@EPA  
Cc: Randa Bishlawi/R5/USEPA/US@EPA, Amy Legare/DC/USEPA/US@EPA, Robert Kenney/DC/USEPA/US@EPA, Beverly Kush/R5/USEPA/US@EPA, Richard Nagle/R5/USEPA/US@EPA, WALTER NIED/R5/USEPA/US@EPA  
Date: 12/18/2008 02:06 PM  
Subject: Re: Question Concerning the Legal Basis for ACOE's Position that Dredged Materials Contaminated with Hazardous Constituents are not a "Solid Waste" under RCRA

*Ex. 5 Attorney Client*

Beth

Beth A. Henning  
Oil Planning and Response Section  
Emergency Response Branch  
U.S. Environmental Protection Agency  
77 W. Jackson Blvd. (SE-5J)  
Chicago, IL 60604  
phone 312.886.5892  
fax 312.353.9176  
henning.beth@epa.gov

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US  
12/18/2008 10:24 AM

To Peter Stokely/DC/USEPA/US@EPA  
cc Amy Legare/DC/USEPA/US@EPA, Amy Miller/R9/USEPA/US@EPA, Amy Porter/DC/USEPA/US@EPA, Andrew Cherry/DC/USEPA/US@EPA, Ankur



Tohan/R10/USEPA/US@EPA, Ann  
Nutt/R9/USEPA/US@EPA, Ann  
Williams/R1/USEPA/US@EPA, "Toade, Anna (ENRD)"  
<AToade@ENRD.USDOJ.GOV>, Beth  
Henning/R5/USEPA/US@EPA, Brett  
Moffatt/R9/USEPA/US@EPA, Brian  
Ross/R9/USEPA/US@EPA, Bryan  
Herczeg/R10/USEPA/US@EPA, Carla  
Fromm/R10/USEPA/US@EPA, Carol  
Kilbride/R1/USEPA/US@EPA, Chris  
Meade/R10/USEPA/US@EPA, Chris  
Saporita/R2/USEPA/US@EPA, Christopher  
Hunter/DC/USEPA/US@EPA, Christopher  
Muehlberger/R7/USEPA/US@EPA, Christopher  
Parker/R4/USEPA/US@EPA, Courtney  
Hamamoto/R10/USEPA/US@EPA, Dan  
Arsenault/R1/USEPA/US@EPA, Dana  
Skelley/CNSL/R7/USEPA/US@EPA, Daniel  
Montella/R2/USEPA/US@EPA, Daren  
Vanlerberghe/NEIC/USEPA/US@EPA, David  
Allnutt/R10/USEPA/US@EPA, David  
Cozad/CNSL/R7/USEPA/US@EPA, David  
Gillespie/R6/USEPA/US@EPA, David  
Pohle/R2/USEPA/US@EPA, David  
Schulenberg/R5/USEPA/US@EPA, DavidW  
Smith/R9/USEPA/US@EPA, Debora  
Clovis/DC/USEPA/US@EPA, Deborah  
Hilsman/R10/USEPA/US@EPA, Delia  
Garcia/WWPD/R7/USEPA/US@EPA, Denise  
Leonard/R1/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA, Diane  
Sipe/ENF/R8/USEPA/US@EPA, Donna  
Downing/DC/USEPA/US@EPA, Edie  
Goldman/R1/USEPA/US@EPA, Erin  
Foresman/R9/USEPA/US@EPA, Gary  
Jones/DC/USEPA/US@EPA, Ginny  
Phillips/DC/USEPA/US@EPA, Greg  
Carlson/R5/USEPA/US@EPA, Heather  
Dean/R10/USEPA/US@EPA, Howard  
Bunch/CNSL/R7/USEPA/US@EPA, Hugh  
Barroll/R9/USEPA/US@EPA, James  
Morgan/DC/USEPA/US@EPA, James  
Vinch/DC/USEPA/US@EPA, Jamie  
Davis/R3/USEPA/US@EPA, Jane  
Lupton/R5/USEPA/US@EPA, Jane  
Watson/R6/USEPA/US@EPA, Jason  
Brush/R9/USEPA/US@EPA, Jeff Kopf/R1/USEPA/US@EPA,  
Jeffery Trevino/R5/USEPA/US@EPA, Jeffrey  
Clay/R6/USEPA/US@EPA, Jeffrey  
Lapp/R3/USEPA/US@EPA, Jessica  
Kao/R9/USEPA/US@EPA, Jodi  
Mazer/R4/USEPA/US@EPA, Joel  
Blumstein/R1/USEPA/US@EPA, Joel  
Strange/R4/USEPA/US@EPA, John  
Brink/P2/R8/USEPA/US@EPA, John  
Emerson/R6/USEPA/US@EPA, John  
Gregory/DC/USEPA/US@EPA, John  
Lishman/DC/USEPA/US@EPA, John  
Olson/R10/USEPA/US@EPA, Karyn  
Wendelowski/DC/USEPA/US@EPA, Kenneth  
Champagne/ENF/R8/USEPA/US@EPA, Kevin  
Minoli/DC/USEPA/US@EPA, Kevin

Pierard/R5/USEPA/US@EPA, Kim  
Kramer/R2/USEPA/US@EPA, Krista  
Rave-Perkins/R10/USEPA/US@EPA, Kristina  
Kemp/CNSL/R7/USEPA/US@EPA, Kristine  
Knutson/MO/R8/USEPA/US@EPA, Laurie  
Dubriel/R4/USEPA/US@EPA, Laurie  
Kermish/R9/USEPA/US@EPA, Leslie  
Humphrey/R7/USEPA/US@EPA, Linda  
Storm/R10/USEPA/US@EPA, Marcela  
VonVacano/R9/USEPA/US@EPA, Margaret  
Kroening/R4/USEPA/US@EPA, Margery  
Adams/R1/USEPA/US@EPA, Mario  
DeVicario/R2/USEPA/US@EPA, Mark  
Mahoney/R1/USEPA/US@EPA, Mark  
Ryan/R10/USEPA/US@EPA, Marvin  
Benton/R6/USEPA/US@EPA, Mary  
Butterwick/R9/USEPA/US@EPA, Melissa  
Gebien/R5/USEPA/US@EPA, Michael  
Boydston/R8/USEPA/US@EPA, Michael  
Szerlog/R10/USEPA/US@EPA, Mike  
Fisher/DC/USEPA/US@EPA, Mike  
Wylie/R4/USEPA/US@EPA, Monica  
Heimdahl/ENF/R8/USEPA/US@EPA, Morgan  
Jackson/R4/USEPA/US@EPA, Nina  
Rivera/R3/USEPA/US@EPA, Pamela  
Lazos/R3/USEPA/US@EPA, Patrick  
Rankin/R6/USEPA/US@EPA, Paul  
Schwartz/R4/USEPA/US@EPA, Peggy  
Livingston/ENF/R8/USEPA/US@EPA, Peter  
Stokely/DC/USEPA/US@EPA, Phil  
North/R10/USEPA/US@EPA, Philip  
Mancusi-Ungaro/R4/USEPA/US@EPA, Phyllis  
Feinmark/R2/USEPA/US@EPA, Raju  
Kakarlapudi/WWPD/R7/USEPA/US@EPA, Rebecca  
Chu/R10/USEPA/US@EPA, Rich  
Campbell/R9/USEPA/US@EPA, Rick  
Duffy/DC/USEPA/US@EPA, Robert  
Kenney/DC/USEPA/US@EPA, Robert  
Klepp/DC/USEPA/US@EPA, Robert  
Leidy/R9/USEPA/US@EPA, Ronald  
Mikulak/R4/USEPA/US@EPA, Sam  
Brown/DC/USEPA/US@EPA, saunders.jerry@epa.gov,  
Shannon Vallance/R6/USEPA/US@EPA, Sheldon  
Muller/ENF/R8/USEPA/US@EPA, "Samuels, Stephen  
(ENRD)" <SSamuels@ENRD.USDOJ.GOV>,  
sshamet@comcast.net, Stefania  
Shamet/R3/USEPA/US@EPA, Stephanie  
Fulton/R4/USEPA/US@EPA, Stephen  
Field/R3/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Steven  
Sanders/CNSL/R7/USEPA/US@EPA, Teresa  
Shirley/R4/USEPA/US@EPA, Thomas  
Nystrom/R6/USEPA/US@EPA, Tim  
Vendlinski/R9/USEPA/US@EPA, Timothy  
Landers/R6/USEPA/US@EPA, Todd  
Lutte/R3/USEPA/US@EPA, Tom  
Charlton/DC/USEPA/US@EPA, Tom  
Welborn/R4/USEPA/US@EPA, Toney  
Ott/EPR/R8/USEPA/US@EPA, Tracie  
Nadeau/R10/USEPA/US@EPA, Tracy  
DeGering/R10/USEPA/US@EPA, volk.everett@epa.gov,  
Wayne Gorski/R5/USEPA/US@EPA, Wendy  
Melgin/R5/USEPA/US@EPA, Wendy

Silver/ENF/R8/USEPA/US@EPA, William  
Hoffman/R3/USEPA/US@EPA, Wilson  
Yee/R9/USEPA/US@EPA, Yerusha  
Beaver/R6/USEPA/US@EPA, Yone  
Yu/R5/USEPA/US@EPA, Yvonne  
Vallette/R10/USEPA/US@EPA

Subject

*Ex. 5 Attorney Client*

To All:

*Ex. 5 Attorney Client*

Thanks.

-John

R-1115-10-Ex-381

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

Beth Henning/R5/USEPA/US

To John Steketee

12/18/2008 01:06 PM

cc Randa Bishlawi, Amy Legare, Robert Kenney, Beverly Kush,  
Richard Nagle, WALTER NIED

bcc

Subject

[REDACTED]

[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

[REDACTED]

[REDACTED]

Beth

Beth A. Henning  
Oil Planning and Response Section  
Emergency Response Branch  
U.S. Environmental Protection Agency  
77 W. Jackson Blvd. (SE-5J)  
Chicago, IL 60604  
phone 312.886.5892  
fax 312.353.9176  
henning.beth@epa.gov  
John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US

12/18/2008 10:24 AM

To Peter Stokely/DC/USEPA/US@EPA

cc Amy Legare/DC/USEPA/US@EPA, Amy  
Miller/R9/USEPA/US@EPA, Amy  
Porter/DC/USEPA/US@EPA, Andrew  
Cherry/DC/USEPA/US@EPA, Ankur  
Tohan/R10/USEPA/US@EPA, Ann  
Nutt/R9/USEPA/US@EPA, Ann  
Williams/R1/USEPA/US@EPA, "Toade, Anna (ENRD)"  
<AToade@ENRD.USDOJ.GOV>, Beth

Henning/R5/USEPA/US@EPA, Brett  
Moffatt/R9/USEPA/US@EPA, Brian  
Ross/R9/USEPA/US@EPA, Bryan  
Herczeg/R10/USEPA/US@EPA, Carla  
Fromm/R10/USEPA/US@EPA, Carol  
Kilbride/R1/USEPA/US@EPA, Chris  
Meade/R10/USEPA/US@EPA, Chris  
Saporita/R2/USEPA/US@EPA, Christopher  
Hunter/DC/USEPA/US@EPA, Christopher  
Muehlberger/R7/USEPA/US@EPA, Christopher  
Parker/R4/USEPA/US@EPA, Courtney  
Hamamoto/R10/USEPA/US@EPA, Dan  
Arsenault/R1/USEPA/US@EPA, Dana  
Skelley/CNSL/R7/USEPA/US@EPA, Daniel  
Montella/R2/USEPA/US@EPA, Daren  
Vanlerberghe/NEIC/USEPA/US@EPA, David  
Allnutt/R10/USEPA/US@EPA, David  
Cozad/CNSL/R7/USEPA/US@EPA, David  
Gillespie/R6/USEPA/US@EPA, David  
Pohle/R2/USEPA/US@EPA, David  
Schulenberg/R5/USEPA/US@EPA, DavidW  
Smith/R9/USEPA/US@EPA, Debora  
Clovis/DC/USEPA/US@EPA, Deborah  
Hilsman/R10/USEPA/US@EPA, Delia  
Garcia/WWPD/R7/USEPA/US@EPA, Denise  
Leonard/R1/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA, Diane  
Sipe/ENF/R8/USEPA/US@EPA, Donna  
Downing/DC/USEPA/US@EPA, Edie  
Goldman/R1/USEPA/US@EPA, Erin  
Foresman/R9/USEPA/US@EPA, Gary  
Jones/DC/USEPA/US@EPA, Ginny  
Phillips/DC/USEPA/US@EPA, Greg  
Carlson/R5/USEPA/US@EPA, Heather  
Dean/R10/USEPA/US@EPA, Howard  
Bunch/CNSL/R7/USEPA/US@EPA, Hugh  
Barroll/R9/USEPA/US@EPA, James  
Morgan/DC/USEPA/US@EPA, James  
Vinch/DC/USEPA/US@EPA, Jamie  
Davis/R3/USEPA/US@EPA, Jane  
Lupton/R5/USEPA/US@EPA, Jane  
Watson/R6/USEPA/US@EPA, Jason  
Brush/R9/USEPA/US@EPA, Jeff Kopf/R1/USEPA/US@EPA,  
Jeffery Trevino/R5/USEPA/US@EPA, Jeffrey  
Clay/R6/USEPA/US@EPA, Jeffrey  
Lapp/R3/USEPA/US@EPA, Jessica  
Kao/R9/USEPA/US@EPA, Jodi  
Mazer/R4/USEPA/US@EPA, Joel  
Blumstein/R1/USEPA/US@EPA, Joel  
Strange/R4/USEPA/US@EPA, John  
Brink/P2/R8/USEPA/US@EPA, John  
Emerson/R6/USEPA/US@EPA, John  
Gregory/DC/USEPA/US@EPA, John  
Lishman/DC/USEPA/US@EPA, John  
Olson/R10/USEPA/US@EPA, Karyn  
Wendelowski/DC/USEPA/US@EPA, Kenneth  
Champagne/ENF/R8/USEPA/US@EPA, Kevin  
Minoli/DC/USEPA/US@EPA, Kevin  
Pierard/R5/USEPA/US@EPA, Kim  
Kramer/R2/USEPA/US@EPA, Krista  
Rave-Perkins/R10/USEPA/US@EPA, Kristina  
Kemp/CNSL/R7/USEPA/US@EPA, Kristine

Knutson/MO/R8/USEPA/US@EPA, Laurie  
Dubriel/R4/USEPA/US@EPA, Laurie  
Kermish/R9/USEPA/US@EPA, Leslie  
Humphrey/R7/USEPA/US@EPA, Linda  
Storm/R10/USEPA/US@EPA, Marcela  
VonVacano/R9/USEPA/US@EPA, Margaret  
Kroening/R4/USEPA/US@EPA, Margery  
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Butterwick/R9/USEPA/US@EPA, Melissa  
Gebien/R5/USEPA/US@EPA, Michael  
Boydston/R8/USEPA/US@EPA, Michael  
Szerlog/R10/USEPA/US@EPA, Mike  
Fisher/DC/USEPA/US@EPA, Mike  
Wylie/R4/USEPA/US@EPA, Monica  
Heimdal/ENF/R8/USEPA/US@EPA, Morgan  
Jackson/R4/USEPA/US@EPA, Nina  
Rivera/R3/USEPA/US@EPA, Pamela  
Lazos/R3/USEPA/US@EPA, Patrick  
Rankin/R6/USEPA/US@EPA, Paul  
Schwartz/R4/USEPA/US@EPA, Peggy  
Livingston/ENF/R8/USEPA/US@EPA, Peter  
Stokely/DC/USEPA/US@EPA, Phil  
North/R10/USEPA/US@EPA, Philip  
Mancusi-Ungaro/R4/USEPA/US@EPA, Phyllis  
Feinmark/R2/USEPA/US@EPA, Raju  
Kakarlapudi/WWPD/R7/USEPA/US@EPA, Rebecca  
Chu/R10/USEPA/US@EPA, Rich  
Campbell/R9/USEPA/US@EPA, Rick  
Duffy/DC/USEPA/US@EPA, Robert  
Kenney/DC/USEPA/US@EPA, Robert  
Klepp/DC/USEPA/US@EPA, Robert  
Leidy/R9/USEPA/US@EPA, Ronald  
Mikulak/R4/USEPA/US@EPA, Sam  
Brown/DC/USEPA/US@EPA, saunders.jerry@epa.gov,  
Shannon Vallance/R6/USEPA/US@EPA, Sheldon  
Muller/ENF/R8/USEPA/US@EPA, "Samuels, Stephen  
(ENRD)" <SSamuels@ENRD.USDOJ.GOV>,  
sshamet@comcast.net, Stefania  
Shamet/R3/USEPA/US@EPA, Stephanie  
Fulton/R4/USEPA/US@EPA, Stephen  
Field/R3/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Steven  
Sanders/CNSL/R7/USEPA/US@EPA, Teresa  
Shirley/R4/USEPA/US@EPA, Thomas  
Nystrom/R6/USEPA/US@EPA, Tim  
Vendlinski/R9/USEPA/US@EPA, Timothy  
Landers/R6/USEPA/US@EPA, Todd  
Lutte/R3/USEPA/US@EPA, Tom  
Charlton/DC/USEPA/US@EPA, Tom  
Welborn/R4/USEPA/US@EPA, Toney  
Ott/EPR/R8/USEPA/US@EPA, Tracie  
Nadeau/R10/USEPA/US@EPA, Tracy  
DeGering/R10/USEPA/US@EPA, volk.everett@epa.gov,  
Wayne Gorski/R5/USEPA/US@EPA, Wendy  
Melgin/R5/USEPA/US@EPA, Wendy  
Silver/ENF/R8/USEPA/US@EPA, William  
Hoffman/R3/USEPA/US@EPA, Wilson  
Yee/R9/USEPA/US@EPA, Yerusha  
Beaver/R6/USEPA/US@EPA, Yone

Yu/R5/USEPA/US@EPA, Yvonne  
Vallette/R10/USEPA/US@EPA

Subject

*Ex. 5 Attorney Client*

To All:

*Ex. 5 Attorney Client*

Thanks.

-John

R-1115-10-Ex-43  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege

Bharat Mathur/R5/USEPA/US  
06/20/2008 01:09 PM

To Margaret Guerriero, "Richard Karl", "Ralph Dollhopf"  
cc  
bcc  
Subject Re: Talking points for call with MDEQ - Confidential

No call

Margaret Guerriero

----- Original Message -----

**From:** Margaret Guerriero  
**Sent:** 06/20/2008 01:06 PM CDT  
**To:** mathur.bharat@epa.gov  
**Cc:** karl.richard@epa.gov; Robert Kaplan; dollhopf.ralph@epa.gov  
**Subject:** Talking points for call with MDEQ - Confidential

Hi Bharat,

I understand there is no call with MDEQ today. Let me know if I have that wrong.

I put together the following proposed talking points to use for the corrective action conversation with MDEQ. We can fine tune them on Monday.

- recognize MDEQ has lead for corrective action
- want to support MDEQ on dealings with Dow on corrective action part of site
- think we have worked out a way to support MDEQ's current request for support on eco-risk assessment work
- are interested in supporting the practice of approving documents with modifications rather than repeated submittals by Dow
- have some ideas about how to work together to minimize the pattern of schedule slippage and ensure timely response actions by Dow
- believe interactions with Dow need to be memorialized for the administrative record rather than the current practice of face-to-face meetings that do not include summary of agreements and commitments
- would like to have a face-to-face to discuss this in more detail

Margaret M. Guerriero, Director  
Land and Chemicals Division  
U.S. EPA  
77 W. Jackson, Chicago, IL 60604  
(312)886-0399  
guerriero.margaret@epa.gov



R-1115-10-Ex-394  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

Brian Ross/R9/USEPA/US

To John Steketee

12/19/2008 10:19 AM

cc Hugh Barroll, Peter Stokely, Cc: Amy Legare, Amy Miller, Amy Porter, Andrew Cherry, Ankur Tohan, Ann Nutt, Ann Williams, "Toade, Anna (ENRD)", Beth Henning, Brett Moffatt, Brian Ross, Bryan Herczeg, Carla Fromm, Carol Kilbride, Chris Meade, Chris Saporita, Christopher Hunter, Christopher Muehlberger, Christopher Parker, Courtney Hamamoto, Dan Arsenault, Dana Skelley, Daniel Montella, Daren Vanlerberghe, David Allnutt, David Cozad, David Gillespie, David Pohle, David Schulenberg, DavidW Smith, Debora Clovis, Deborah Hilsman, Delia Garcia, Denise Leonard, Diane Huffman, Diane Huffman, Diane Sipe, Donna Downing, Edie Goldman, Erin Foresman, Gary Jonesi, Ginny Phillips, Greg Carlson, Heather Dean, Howard Bunch, Hugh Barroll, James Morgan, James Vinch, Jamie Davis, Jane Lupton, Jane Watson, Jason Brush, Jeff Kopf, Jeffery Trevino, Jeffrey Clay, Jeffrey Lapp, Jessica Kao, Jodi Mazer, Joel Blumstein, Joel Strange, John Brink, John Emerson, John Gregory, John Lishman, John Olson, Karyn Wendelowski, Kenneth Champagne, Kevin Minoli, Kevin Pierard, Kim Kramer, Krista Rave-Perkins, Kristina Kemp, Kristine Knutson, Laurie Dubriel, Laurie Kermish, Leslie Humphrey, Linda Storm, Marcela VonVacano, Margaret Kroening, Margery Adams, Mario DelVicario, Mark Mahoney, Mark Ryan, Marvin Benton, Mary Butterwick, Melissa Gebien, Michael Boydston, Michael Szerlog, Mike Fisher, Mike Wylie, Monica Heimdahl, Morgan Jackson, Nina Rivera, Pamela Lazos, Patrick Rankin, Paul Schwartz, Peggy Livingston, Peter Stokely, Phil North, Philip Mancusi-Ungaro, Phyllis Feinmark, Raju Kakarlapudi, Rebecca Chu, Rich Campbell, Rick Duffy, Robert Kenney, Robert Klepp, Robert Leidy, Ronald Mikulak, Sam Brown, saunders.jerry, Shannon Vallance, Sheldon Muller, "Samuels, Stephen (ENRD)", sshamet, Stefania Shamet, Stephanie Fulton, Stephen Field, Stephen Mendoza, Steven Sanders, Teresa Shirley, Thomas Nystrom, Tim Vendlinski, Timothy Landers, Todd Lutte, Tom Charlton, Tom Welborn, Toney Ott, Tracie Nadeau, Tracy DeGering, volk.everett, Wayne Gorski, Wendy Melgin, Wendy Silver, William Hoffman, Wilson Yee, Yerusha Beaver, Yone Yu, Yvonne Vallette, David Redford, Molly Madden, John Lishman

bcc

Subject

*Ex. 5 Attorney Client*

Hi John,

*Ex. 5 Attorney Client*

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

---

Brian D. Ross  
EPA Region 9, WTR-8  
Dredging & Sediment Management Team  
75 Hawthorne Street  
San Francisco, CA 94105  
415-972-3475  
Fax 947-3537

Hugh Barroll/R9/USEPA/US

Hugh Barroll/R9/USEPA/US  
12/18/08 10:09 AM

To Brian Ross/R9/USEPA/US@EPA  
cc  
Subject

[Redacted]

*Ex. 5 Attorney Client*

If you have any insight, let John Steketee know directly. I don't need to see it and I have no value to add.

----- Forwarded by Hugh Barroll/R9/USEPA/US on 12/18/2008 10:08 AM -----

From: John Steketee/R5/USEPA/US  
To: Peter Stokely/DC/USEPA/US@EPA

Date: 12/18/2008 08:24 AM  
Subject:

[Redacted]

*Ex. 5 Attorney Client*

To All:

[Redacted]

*Ex. 5 Attorney Client*

Thanks.

-John

R-1115-10-Ex-25  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege; Ex. 5 -- Deliberative Process Privilege

Bruce  
Sypniewski/R5/USEPA/US  
06/12/2008 08:32 AM

To guerriero.margaret  
cc  
bcc

Subject Dow Control - Bharat's Response RE: Tribal Involvement.


Hello,

Luke called me yesterday evening and informed me of a control that Bharat received from Chief Cantu of the Saginaw Tribe. The Chief's letter complained about Region 5 not involving the Tribe in decision making or providing information. I explained to Luke that Greg Rudloff was the RCRA Corrective Action contact but it was my understanding that Ralph was the main point of contact regarding the project. I suggested that Luke speak with Bharat as to who the tribes should contact when they have questions regarding the Corrective Action or Removal projects. The attached e-mail sums up the discussion Luke had with Bharat.

Thanks,  
Bruce.

----- Forwarded by Bruce Sypniewski/R5/USEPA/US on 06/12/2008 08:17 AM -----

Luke Jones/R5/USEPA/US  
06/11/2008 05:38 PM

To Leverett Nelson/R5/USEPA/US@EPA  
cc Bruce Sypniewski/R5/USEPA/US@EPA, Douglas Ballotti/R5/USEPA/US@EPA, el-zein.jason@epa.gov, Gregory Rudloff/R5/USEPA/US@EPA  
Subject Re: Chief Cantu Control re: Dow 

Rett;

I spoke with Doug Ballotti and Bruce Sypniewski yesterday and touched base with Bharat today. Bharat agrees that I should not be the person listed on the reply letter. If Bruce and Doug are okay with the idea, Bharat responded positively to having the letter tell the tribe to contact LCD with questions about our Corrective Action involvement and Superfund Division with questions about removal work. (He specifically stated that we should NOT put Ralph Dollhopf's name on the letter.)

I would suggest we change the last paragraph to read something like this:

"In the mean time, please have your staff direct questions relating to our cleanup work to Jason El-Zein, Removal Branch Chief, Superfund Division (el-zein.jason@epa.gov, 734-692-7661). Questions related to our ongoing RCRA Corrective Action Program can be directed to Greg Rudloff, Land & Chemicals Division (rudloff.gregory@epa.gov, 312.886.0455).

"Again, thank you for your letter and I look forward to continuing our productive working relationship."

-----  
Luke Jones, Director  
Indian Environmental Office  
US EPA Region 5 (R-21J)  
77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 353-2087

Leverett Nelson/R5/USEPA/US

Leverett  
Nelson/R5/USEPA/US  
06/10/2008 05:20 PM

To Luke Jones/R5/USEPA/US@EPA  
cc Robert Kaplan/DC/USEPA/US@EPA, John  
Steketee/R5/USEPA/US@EPA, Cheryl  
Klebenow/R5/USEPA/US@EPA, canavan.mary@epa.gov,  
Ronna Beckmann/R5/USEPA/US@EPA,  
mathur.bharat@epamail.epa.gov

Subject Chief Cantu Control re: Dow

Luke:

Perhaps the best way to proceed is for you to talk directly to Bharat about your past meeting(s) with the tribe, and your concern about the letter (as drafted) referring them to you for more information. Please let me know whose name Bharat wants to use as the contact; I would suggest using both Rick Karl in Superfund, and Margaret Guerriero in LCD, since both programs currently have a significant role in the Dow matter.

We will redraft the letter according to your directions. Thanks.

-Rett

R-1115-10-Ex-27  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege; Ex. 5 -- Deliberative Process Privilege

Bruce  
Sypniewski/R5/USEPA/US  
06/12/2008 07:17 PM

To Leverett Nelson  
cc "Margaret Guerriero", "Shwanda Mayo"  
bcc  
Subject Re: Fw: Dow Control - Bharat's Response RE: Tribal Involvement.

Thank you Rett.

-----  
Sent by EPA Wireless E-Mail Services  
Leverett Nelson  
----- Original Message -----

**From:** Leverett Nelson  
**Sent:** 06/12/2008 05:25 PM CDT  
**To:** Bruce Sypniewski  
**Subject:** Re: Fw: Dow Control - Bharat's Response RE: Tribal Involvement.

Bruce:

It has not gone out. We will make the change and get it back up to the 19th floor tomorrow morning.

Thanks.

-Rett.

Bruce Sypniewski/R5/USEPA/US

Bruce  
Sypniewski/R5/USEPA/US  
06/12/2008 02:50 PM

To Leverett Nelson/R5/USEPA/US@EPA  
cc

Subject Fw: Dow Control - Bharat's Response RE: Tribal Involvement.

Rett,

Did the control go out? If not, can you change the LCD contact to Joe Cisneros.


Thanks.

Bruce F. Sypniewski  
U.S. EPA - Region 5  
Deputy Director,  
Land & Chemicals Division  
77 W. Jackson Blvd L-8J  
Chicago, IL 60604

phone: 312-886-6189

----- Forwarded by Bruce Sypniewski/R5/USEPA/US on 06/12/2008 02:48 PM -----

Margaret  
Guerrero/R5/USEPA/US  
06/12/2008 02:29 PM

To: Bruce Sypniewski/R5/USEPA/US@EPA  
cc  
Subject: Re: Dow Control - Bharat's Response RE: Tribal Involvement.  


Our contact should be Jose not Greg. Can you contact Luke and tell him that? Thanks.

Bruce Sypniewski

----- Original Message -----

**From:** Bruce Sypniewski  
**Sent:** 06/12/2008 08:32 AM CDT  
**To:** guerriero.margaret@epa.gov  
**Subject:** Dow Control - Bharat's Response RE: Tribal Involvement.


Hello,

Luke called me yesterday evening and informed me of a control that Bharat received from Chief Cantu of the Saginaw Tribe. The Chief's letter complained about Region 5 not involving the Tribe in decision making or providing information. I explained to Luke that Greg Rudolph was the RCRA Corrective Action contact but it was my understanding that Ralph was the main point of contact regarding the project. I suggested that Luke speak with Bharat as to who the tribes should contact when they have questions regarding the Corrective Action or Removal projects. The attached e-mail sums up the discussion Luke had with Bharat.

Thanks,  
Bruce.

----- Forwarded by Bruce Sypniewski/R5/USEPA/US on 06/12/2008 08:17 AM -----

Luke Jones/R5/USEPA/US  
06/11/2008 05:38 PM

To: Leverett Nelson/R5/USEPA/US@EPA  
cc: Bruce Sypniewski/R5/USEPA/US@EPA, Douglas Ballotti/R5/USEPA/US@EPA, el-zein.jason@epa.gov, Gregory Rudloff/R5/USEPA/US@EPA  
Subject: Re: Chief Cantu Control re: Dow 

Rett;

I spoke with Doug Ballotti and Bruce Sypniewski yesterday and touched base with Bharat today. Bharat agrees that I should not be the person listed on the reply letter. If Bruce and Doug are okay with the idea, Bharat responded positively to having the letter tell the tribe to contact LCD with questions about our Corrective Action involvement and Superfund Division with questions about removal work. (He specifically stated that we should NOT put Ralph Dollhopf's name on the letter.)

I would suggest we change the last paragraph to read something like this:

"In the mean time, please have your staff direct questions relating to our cleanup work to Jason El-Zein, Removal Branch Chief, Superfund Division (el-zein.jason@epa.gov, 734-692-7661). Questions related to our ongoing RCRA Corrective Action Program can be directed to Greg Rudloff, Land & Chemicals Division (rudloff.gregory@epa.gov, 312.886.0455).

"Again, thank you for your letter and I look forward to continuing our productive working relationship."

-----  
Luke Jones, Director  
Indian Environmental Office  
US EPA Region 5 (R-21J)  
77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 353-2087

Leverett Nelson/R5/USEPA/US

Leverett  
Nelson/R5/USEPA/US  
06/10/2008 05:20 PM

To Luke Jones/R5/USEPA/US@EPA  
cc Robert Kaplan/DC/USEPA/US@EPA, John  
Steketee/R5/USEPA/US@EPA, Cheryl  
Klebenow/R5/USEPA/US@EPA, canavan.mary@epa.gov,  
Ronna Beckmann/R5/USEPA/US@EPA,  
mathur.bharat@epamail.epa.gov

Subject Chief Cantu Control re: Dow

Luke:

Perhaps the best way to proceed is for you to talk directly to Bharat about your past meeting(s) with the tribe, and your concern about the letter (as drafted) referring them to you for more information. Please let me know whose name Bharat wants to use as the contact; I would suggest using both Rick Karl in Superfund, and Margaret Guerriero in LCD, since both programs currently have a significant role in the Dow matter.

We will redraft the letter according to your directions. Thanks.

-Rett



R-1115-10-Ex-334

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege

John Steketee/R5/USEPA/US

11/19/2008 02:06 PM

To Bertram Frey, Eric Cohen, Leverett Nelson, Stephen Mendoza, Mark Palermo, Robert Kaplan, Jeff Cahn, Catherine Garypie, Margaret Guerriero, Bruce Sypniewski, Jose Cisneros, Hak Cho, Gregory Rudloff, Richard Karl, Wendy Carney, RALPH DOLLHOPF, Mary Logan, Mark Durno, Jeffrey Kimble, Brian Schlieger, Jeff Kelley, Anne Rowan, Mick Hans, RafaelP Gonzalez, Mary Canavan, Kenneth Westlake, Newton Ellens, John Dorkin, David Cowgill, Timothy Henry, Kevin Pierard, Wendy Melgin, Sue Elston, Anton Martig, Peter Swenson, David Pfeifer, Mardi Klevs, Thomas Crosetto, Tinka Hyde

cc

bcc

Subject

*Ex. 5 Attorney Client*

To All:

*Ex. 5 Attorney Client*

Thanks.

-John



*Ex. 5 Attorney Client*

R-1115-10-Ex-90  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege

John Steketee/R5/USEPA/US  
07/10/2008 10:14 AM

To CharlesS Lee  
cc  
bcc  
Subject Dow -- Saginaw River & Bay Remedial Investigation Work  
Plan Review

Charles:

Per our discussion today, please compare the Saginaw River & Bay Remedial Investigation Work Plan (SRFB RIWP) submitted to the State of Michigan by the Dow Chemical Company, Midland, Michigan on to the requirements set forth in and provide me your informal written leagl analysis of all deficiencies you can identify by the end of July:

1) Dow June 12, 2008 Hazardous Waste Management Facility Operating License (Dow RCRA Permit), e.g. Dow's off-site corrective action requirements, Part XI, record keeping and reporting requirements, Part II.L, etc.;

2) The February 1, 2008 Scope of Work for the Saginaw River & Bay (SRB SOW) issued to Dow by the State of Michigan;

3) and any applicable underlying MI laws, Parts 11 & 201 of MI NREPA, 1994 PA 451, and the rules promulgated thereunder, R2999.9101 et. seq.

Thanks,

John

Dow's RCRA Permit

<http://www.deq.state.mi.us/documents/deq-whm-hwrp-Final6-12-03DowOpLic.pdf>

SRB SOW

[http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf\\_223938\\_7.pdf](http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf_223938_7.pdf)

SRFB RIWP



SRFBRIWVolume 1 Text - Unprotected[1].pdf



Per our discussion today, please compare the Saginaw River & Bay Remedial Investigation Work Plan (SRFB RIWP) submitted to the State of Michigan by the Dow Chemical Company, Midland, Michigan on to the requirements set forth in and provide me your informal written leagl analysis of all deficiencies you can identify by the end of July:

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2) The February 1, 2008 Scope of Work for the Saginaw River & Bay (SRB SOW) issued to Dow by the State of Michigan;

3) and any applicable underlying MI laws, Parts 11 & 201 of MI NREPA, 1994 PA 451, and the rules promulgated thereunder, R2999.9101 et. seq.

Thanks,

John

Dow's RCRA Permit

<http://www.deq.state.mi.us/documents/deq-whm-hwrp-Final6-12-03DowOpLic.pdf>

SRB SOW

[http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf\\_223938\\_7.pdf](http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf_223938_7.pdf)

SRFB RIWP

(documet to be provided)

R-1115-10-Ex-91  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege

John Steketee/R5/USEPA/US  
07/10/2008 10:16 AM

To CharlesS Lee  
cc  
bcc  
Subject Dow -- Saginaw River & Bay Remedial Investigation Work  
Plan Review

Charles:

Per our discussion today, please compare the Saginaw River & Bay Remedial Investigation Work Plan (SRFB RIWP) submitted to the State of Michigan by the Dow Chemical Company, Midland, Michigan on to the requirements set forth in and provide me your informal written leagl analysis of all deficiencies you can identify by the end of July:

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3) and any applicable underlying MI laws, Parts 11 & 201 of MI NREPA, 1994 PA 451, and the rules promulgated thereunder, R2999.9101 et. seq.

Thanks,

John

Dow's RCRA Permit

<http://www.deq.state.mi.us/documents/deq-whm-hwrp-Final6-12-03DowOpLic.pdf>

SRB SOW

[http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf\\_223938\\_7.pdf](http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf_223938_7.pdf)

SRFB RIWP

(documet to be provided)

R-1115-10-Ex-92  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege

John Steketee/R5/USEPA/US  
07/10/2008 10:24 AM

To CharlesS Lee  
cc  
bcc  
Subject Dow -- Saginaw River & Bay Remedial Investigation Work  
Plan Review

Charles:

I have printed a hardy copy of the SRFB RIWP to the printer (14-7A) next to your cubicle. You will receive an e-mail within the next day with an attached electronic version of the document from which you may cut & paste text. The delay is due to the fact that any e-mail message containing a file over a 15 MB file is automatically delayed for transmission until the evening hours so as not to clog our e-mail system. Please let me know if you have any questions concerning this assignment. Also, this assignment should take priority over the Mr. Lee Tanis TSCA matter I assigned to you earlier. Thanks.

-John

---

Charles:

Per our discussion today, please compare the Saginaw River & Bay Remedial Investigation Work Plan (SRFB RIWP) submitted to the State of Michigan by the Dow Chemical Company, Midland, Michigan on to the requirements set forth in and provide me your informal written leagl analysi of all deficiencies you can identify by the end of July:

1) Dow June 12, 2008 Hazardous Waste Management Facility Operating License (Dow RCRA Permit), e.g. Dow's off-site corrective action requirements, Part XI, record keeping and reporting requirements, Part II.L, etc.;

2) The February 1, 2008 Scope of Work for the Saginaw River & Bay (SRB SOW) issued to Dow by the State of Michigan;

3) and any applicable underlying MI laws, Parts 11 & 201 of MI NREPA, 1994 PA 451, and the rules promulgated thereunder, R2999.9101 et. seq.

Thanks,

John

Dow's RCRA Permit

<http://www.deq.state.mi.us/documents/deq-whm-hwrp-Final6-12-03DowOpLic.pdf>

SRB SOW

[http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf\\_223938\\_7.pdf](http://www.michigan.gov/documents/deq/deq-whm-hwp-dow-SRB-SOW-Approval-with-Modifications-2-1-2008.pdf_223938_7.pdf)

SRFB RIWP

(document to be provided)

R-1115-10-Ex-17  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US  
06/06/2008 04:20 PM

To Gregory Rudloff  
cc  
bcc

Subject Fw: Draft RCRA CA Briefing -- FOIA Exempt

----- Forwarded by John Steketee/R5/USEPA/US on 06/06/2008 04:19 PM -----

Leverett  
Nelson/R5/USEPA/US  
06/06/2008 04:02 PM

To John Steketee/R5/USEPA/US@EPA  
cc Bertram Frey/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, Eric Cohen/R5/USEPA/US@EPA, Jeff Cahn/R5/USEPA/US@EPA, Mark Palermo/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA  
Subject Re: Fw: Draft RCRA CA Briefing -- FOIA Exempt 📎

John and Greg:

I suggest the following:

In the 1st paragraph, soften "The highest dioxin concentration detected to date is 1,600,000 ppt TEQ." Either state that this number was unverified, and is therefore unreliable, or plug in the highest detected concentration that was verified.

In the "**Saginaw Bay Sampling**" paragraph, clarify that MDEQ has asked **EPA** to fund the sampling.

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

*Ex. 5 Attorney Client*



[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US

06/06/2008 02:12 PM

To Bertram Frey/R5/USEPA/US@EPA, Leverett  
Nelson/R5/USEPA/US@EPA, Eric  
Cohen/R5/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Mark  
Palermo/R5/USEPA/US@EPA, Robert  
Kaplan/R5/USEPA/US@EPA  
cc Jeff Cahn/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA

Subject Fw: Draft RCRA CA Briefing -- FOIA Exempt

ORC Mgmt:

Please let me know if you have any comments asap on the attached draft briefing document. We have a deadline of COB today. Thanks.

-John

----- Forwarded by John Steketee/R5/USEPA/US on 06/06/2008 02:10 PM -----

Gregory  
Rudloff/R5/USEPA/US

06/06/2008 01:59 PM

To John Steketee  
To  
cc

bcc

Fax to

Subject Draft RCRA CA Briefing

Attached is a draft briefing that I plan to send to Margaret at the end of the day. Let me know if you have any comments or revisions.

Thanks,

Gregory A. Rudloff, P.G.  
Corrective Action Section  
Waste Management Branch  
Land and Chemicals Division  
Region 5, U.S. EPA  
(312) 886-0455  
rudloff.gregory@epa.gov



Dow Briefing 6-9-08.doc

R-1115-10-Ex-589

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Gregory Rudloff

07/31/2009 06:41 AM

cc

bcc

Subject RE: Dow AOC and License Modification - CONFIDENTIAL

Any thoughts on this draft? My plan is to send it to Rett w/ copies to Jeff & Catherine G. COB today. I would run this by Jeff first after we discuss how to respond, if at all, to the other messages.

DRAFT 7/31/2009

Confidential Communication/Privileged/FOIA Exempt

Rett:

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

[Redacted]

[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

Thanks,

John

Leverett Nelson    [Kathy: I would be one of the ones belie...](#)    07/30/2009 11:39:21 AM

From: Leverett Nelson/R5/USEPA/US  
To: "Cavanaugh, Kathleen" <CavanaughK@michigan.gov>  
Cc: Bertram Frey/R5/USEPA/US@EPA, "Bruchmann, George (DEQ)" <BRUCHMANN@michigan.gov>, "Buda, Steve (DEQ)" <BUDAS@michigan.gov>, Catherine Garypie/R5/USEPA/US@EPA, Eric Cohen/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA, Hak Cho/R5/USEPA/US@EPA, "Howe, Cheryl (DEQ)" <HOWEC@michigan.gov>, Jeff Cahn/R5/USEPA/US@EPA, John Steketee/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, Mark Palermo/R5/USEPA/US@EPA, "Montgomery, Delores (DEQ)" <MONTGOMERYD1@michigan.gov>, Robert Kaplan/R5/USEPA/US@EPA, "Ruswick, Frank (DEQ)" <RuswickF@michigan.gov>, Stephen Mendoza/R5/USEPA/US@EPA, "Taylor, Al (DEQ)" <TAYLORA@michigan.gov>, Wendy Carney/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA  
Date: 07/30/2009 11:39 AM  
Subject: RE: Dow AOC and License Modification - CONFIDENTIAL

---

Kathy:

[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

Thanks.

-Rett

"Cavanaugh, Kathleen"    [Also, some of us continue to b...](#)    07/29/2009 03:51:40 PM



R-1115-10-Ex-383

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To James Vinch

12/18/2008 02:02 PM

cc

bcc

Subject

*Ex. 5 Attorney Client*

into waters of the US, i.e. a CDF.

James Vinch/DC/USEPA/US

James Vinch/DC/USEPA/US

12/18/2008 01:55 PM

To John Steketee/R5/USEPA/US@EPA

cc

Subject

*Ex. 5 Attorney Client*

*Ex. 5 Attorney Client*

Jim Vinch  
Water Enforcement Division  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington DC 20460  
tel: (202) 564-1256  
fax: (202) 564-0024

This email may contain confidential information that is attorney-client privileged, attorney work product or deliberative. Do not distribute outside of Federal government.

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US

12/18/2008 11:24 AM

To Peter Stokely/DC/USEPA/US@EPA

cc Amy Legare/DC/USEPA/US@EPA, Amy Miller/R9/USEPA/US@EPA, Amy Porter/DC/USEPA/US@EPA, Andrew Cherry/DC/USEPA/US@EPA, Ankur Tohan/R10/USEPA/US@EPA, Ann Nutt/R9/USEPA/US@EPA, Ann Williams/R1/USEPA/US@EPA, "Toade, Anna (ENRD)" <AToade@ENRD.USDOJ.GOV>, Beth Henning/R5/USEPA/US@EPA, Brett Moffatt/R9/USEPA/US@EPA, Brian Ross/R9/USEPA/US@EPA, Bryan Herczeg/R10/USEPA/US@EPA, Carla Fromm/R10/USEPA/US@EPA, Carol

Kilbride/R1/USEPA/US@EPA, Chris  
Meade/R10/USEPA/US@EPA, Chris  
Saporita/R2/USEPA/US@EPA, Christopher  
Hunter/DC/USEPA/US@EPA, Christopher  
Muehlberger/R7/USEPA/US@EPA, Christopher  
Parker/R4/USEPA/US@EPA, Courtney  
Hamamoto/R10/USEPA/US@EPA, Dan  
Arsenault/R1/USEPA/US@EPA, Dana  
Skelley/CNSL/R7/USEPA/US@EPA, Daniel  
Montella/R2/USEPA/US@EPA, Daren  
Vanlerberghe/NEIC/USEPA/US@EPA, David  
Allnutt/R10/USEPA/US@EPA, David  
Cozad/CNSL/R7/USEPA/US@EPA, David  
Gillespie/R6/USEPA/US@EPA, David  
Pohle/R2/USEPA/US@EPA, David  
Schulenberg/R5/USEPA/US@EPA, DavidW  
Smith/R9/USEPA/US@EPA, Debora  
Clovis/DC/USEPA/US@EPA, Deborah  
Hilsman/R10/USEPA/US@EPA, Delia  
Garcia/WWPD/R7/USEPA/US@EPA, Denise  
Leonard/R1/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA, Diane  
Sipe/ENF/R8/USEPA/US@EPA, Donna  
Downing/DC/USEPA/US@EPA, Edie  
Goldman/R1/USEPA/US@EPA, Erin  
Foresman/R9/USEPA/US@EPA, Gary  
Jones/DC/USEPA/US@EPA, Ginny  
Phillips/DC/USEPA/US@EPA, Greg  
Carlson/R5/USEPA/US@EPA, Heather  
Dean/R10/USEPA/US@EPA, Howard  
Bunch/CNSL/R7/USEPA/US@EPA, Hugh  
Barroll/R9/USEPA/US@EPA, James  
Morgan/DC/USEPA/US@EPA, James  
Vinch/DC/USEPA/US@EPA, Jamie  
Davis/R3/USEPA/US@EPA, Jane  
Lupton/R5/USEPA/US@EPA, Jane  
Watson/R6/USEPA/US@EPA, Jason  
Brush/R9/USEPA/US@EPA, Jeff Kopf/R1/USEPA/US@EPA,  
Jeffery Trevino/R5/USEPA/US@EPA, Jeffrey  
Clay/R6/USEPA/US@EPA, Jeffrey  
Lapp/R3/USEPA/US@EPA, Jessica  
Kao/R9/USEPA/US@EPA, Jodi  
Mazer/R4/USEPA/US@EPA, Joel  
Blumstein/R1/USEPA/US@EPA, Joel  
Strange/R4/USEPA/US@EPA, John  
Brink/P2/R8/USEPA/US@EPA, John  
Emerson/R6/USEPA/US@EPA, John  
Gregory/DC/USEPA/US@EPA, John  
Lishman/DC/USEPA/US@EPA, John  
Olson/R10/USEPA/US@EPA, Karyn  
Wendelowski/DC/USEPA/US@EPA, Kenneth  
Champagne/ENF/R8/USEPA/US@EPA, Kevin  
Minoli/DC/USEPA/US@EPA, Kevin  
Pierard/R5/USEPA/US@EPA, Kim  
Kramer/R2/USEPA/US@EPA, Krista  
Rave-Perkins/R10/USEPA/US@EPA, Kristina  
Kemp/CNSL/R7/USEPA/US@EPA, Kristine  
Knutson/MO/R8/USEPA/US@EPA, Laurie  
Dubriel/R4/USEPA/US@EPA, Laurie  
Kermish/R9/USEPA/US@EPA, Leslie  
Humphrey/R7/USEPA/US@EPA, Linda  
Storm/R10/USEPA/US@EPA, Marcela

VonVacano/R9/USEPA/US@EPA, Margaret  
Kroening/R4/USEPA/US@EPA, Margery  
Adams/R1/USEPA/US@EPA, Mario  
DelVicario/R2/USEPA/US@EPA, Mark  
Mahoney/R1/USEPA/US@EPA, Mark  
Ryan/R10/USEPA/US@EPA, Marvin  
Benton/R6/USEPA/US@EPA, Mary  
Butterwick/R9/USEPA/US@EPA, Melissa  
Gebien/R5/USEPA/US@EPA, Michael  
Boydston/R8/USEPA/US@EPA, Michael  
Szerlog/R10/USEPA/US@EPA, Mike  
Fisher/DC/USEPA/US@EPA, Mike  
Wylie/R4/USEPA/US@EPA, Monica  
Heimdal/ENF/R8/USEPA/US@EPA, Morgan  
Jackson/R4/USEPA/US@EPA, Nina  
Rivera/R3/USEPA/US@EPA, Pamela  
Lazos/R3/USEPA/US@EPA, Patrick  
Rankin/R6/USEPA/US@EPA, Paul  
Schwartz/R4/USEPA/US@EPA, Peggy  
Livingston/ENF/R8/USEPA/US@EPA, Peter  
Stokely/DC/USEPA/US@EPA, Phil  
North/R10/USEPA/US@EPA, Philip  
Mancusi-Ungaro/R4/USEPA/US@EPA, Phyllis  
Feinmark/R2/USEPA/US@EPA, Raju  
Kakarlapudi/WWPD/R7/USEPA/US@EPA, Rebecca  
Chu/R10/USEPA/US@EPA, Rich  
Campbell/R9/USEPA/US@EPA, Rick  
Duffy/DC/USEPA/US@EPA, Robert  
Kenney/DC/USEPA/US@EPA, Robert  
Klepp/DC/USEPA/US@EPA, Robert  
Leidy/R9/USEPA/US@EPA, Ronald  
Mikulak/R4/USEPA/US@EPA, Sam  
Brown/DC/USEPA/US@EPA, saunders.jerry@epa.gov,  
Shannon Vallance/R6/USEPA/US@EPA, Sheldon  
Muller/ENF/R8/USEPA/US@EPA, "Samuels, Stephen  
(ENRD)" <SSamuels@ENRD.USDOJ.GOV>,  
sshamet@comcast.net, Stefania  
Shamet/R3/USEPA/US@EPA, Stephanie  
Fulton/R4/USEPA/US@EPA, Stephen  
Field/R3/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Steven  
Sanders/CNSL/R7/USEPA/US@EPA, Teresa  
Shirley/R4/USEPA/US@EPA, Thomas  
Nystrom/R6/USEPA/US@EPA, Tim  
Vendlinski/R9/USEPA/US@EPA, Timothy  
Landers/R6/USEPA/US@EPA, Todd  
Lutte/R3/USEPA/US@EPA, Tom  
Charlton/DC/USEPA/US@EPA, Tom  
Welborn/R4/USEPA/US@EPA, Toney  
Ott/EPR/R8/USEPA/US@EPA, Tracie  
Nadeau/R10/USEPA/US@EPA, Tracy  
DeGering/R10/USEPA/US@EPA, volk.everett@epa.gov,  
Wayne Gorski/R5/USEPA/US@EPA, Wendy  
Melgin/R5/USEPA/US@EPA, Wendy  
Silver/ENF/R8/USEPA/US@EPA, William  
Hoffman/R3/USEPA/US@EPA, Wilson  
Yee/R9/USEPA/US@EPA, Yerusha  
Beaver/R6/USEPA/US@EPA, Yone  
Yu/R5/USEPA/US@EPA, Yvonne  
Vallette/R10/USEPA/US@EPA

Subject

Ex. 5 Attorney Client



To All:



*Ex. 5 Attorney Client*

Thanks.

-John



James Vinch/DC/USEPA/US  
12/18/2008 01:55 PM

To John Steketee/R5/USEPA/US@EPA  
cc  
Subject

*Ex. 5 Attorney Client*

*Ex. 5 Attorney Client*

Jim Vinch  
Water Enforcement Division  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington DC 20460  
tel: (202) 564-1256  
fax: (202) 564-0024

This email may contain confidential information that is attorney-client privileged, attorney work product or deliberative. Do not distribute outside of Federal government.

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US  
12/18/2008 11:24 AM

To Peter Stokely/DC/USEPA/US@EPA  
cc Amy Legare/DC/USEPA/US@EPA, Amy Miller/R9/USEPA/US@EPA, Amy Porter/DC/USEPA/US@EPA, Andrew Cherry/DC/USEPA/US@EPA, Ankur Tohan/R10/USEPA/US@EPA, Ann Nutt/R9/USEPA/US@EPA, Ann Williams/R1/USEPA/US@EPA, "Toade, Anna (ENRD)" <AToade@ENRD.USDOJ.GOV>, Beth Henning/R5/USEPA/US@EPA, Brett Moffatt/R9/USEPA/US@EPA, Brian Ross/R9/USEPA/US@EPA, Bryan Herczeg/R10/USEPA/US@EPA, Carla Fromm/R10/USEPA/US@EPA, Carol Kilbride/R1/USEPA/US@EPA, Chris Meade/R10/USEPA/US@EPA, Chris Saporita/R2/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, Christopher Muehlberger/R7/USEPA/US@EPA, Christopher Parker/R4/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA, Dan Arsenault/R1/USEPA/US@EPA, Dana Skelley/CNSL/R7/USEPA/US@EPA, Daniel Montella/R2/USEPA/US@EPA, Daren Vanlerberghe/NEIC/USEPA/US@EPA, David Allnutt/R10/USEPA/US@EPA, David Cozad/CNSL/R7/USEPA/US@EPA, David Gillespie/R6/USEPA/US@EPA, David Pohle/R2/USEPA/US@EPA, David Schulenberg/R5/USEPA/US@EPA, DavidW Smith/R9/USEPA/US@EPA, Debora

Clovis/DC/USEPA/US@EPA, Deborah  
Hilsman/R10/USEPA/US@EPA, Delia  
Garcia/WWPD/R7/USEPA/US@EPA, Denise  
Leonard/R1/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA, Diane  
Sipe/ENF/R8/USEPA/US@EPA, Donna  
Downing/DC/USEPA/US@EPA, Edie  
Goldman/R1/USEPA/US@EPA, Erin  
Foresman/R9/USEPA/US@EPA, Gary  
Jones/DC/USEPA/US@EPA, Ginny  
Phillips/DC/USEPA/US@EPA, Greg  
Carlson/R5/USEPA/US@EPA, Heather  
Dean/R10/USEPA/US@EPA, Howard  
Bunch/CNSL/R7/USEPA/US@EPA, Hugh  
Barroll/R9/USEPA/US@EPA, James  
Morgan/DC/USEPA/US@EPA, James  
Vinch/DC/USEPA/US@EPA, Jamie  
Davis/R3/USEPA/US@EPA, Jane  
Lupton/R5/USEPA/US@EPA, Jane  
Watson/R6/USEPA/US@EPA, Jason  
Brush/R9/USEPA/US@EPA, Jeff Kopf/R1/USEPA/US@EPA,  
Jeffery Trevino/R5/USEPA/US@EPA, Jeffrey  
Clay/R6/USEPA/US@EPA, Jeffrey  
Lapp/R3/USEPA/US@EPA, Jessica  
Kao/R9/USEPA/US@EPA, Jodi  
Mazer/R4/USEPA/US@EPA, Joel  
Blumstein/R1/USEPA/US@EPA, Joel  
Strange/R4/USEPA/US@EPA, John  
Brink/P2/R8/USEPA/US@EPA, John  
Emerson/R6/USEPA/US@EPA, John  
Gregory/DC/USEPA/US@EPA, John  
Lishman/DC/USEPA/US@EPA, John  
Olson/R10/USEPA/US@EPA, Karyn  
Wendelowski/DC/USEPA/US@EPA, Kenneth  
Champagne/ENF/R8/USEPA/US@EPA, Kevin  
Minoli/DC/USEPA/US@EPA, Kevin  
Pierard/R5/USEPA/US@EPA, Kim  
Kramer/R2/USEPA/US@EPA, Krista  
Rave-Perkins/R10/USEPA/US@EPA, Kristina  
Kemp/CNSL/R7/USEPA/US@EPA, Kristine  
Knutson/MO/R8/USEPA/US@EPA, Laurie  
Dubriel/R4/USEPA/US@EPA, Laurie  
Kermish/R9/USEPA/US@EPA, Leslie  
Humphrey/R7/USEPA/US@EPA, Linda  
Storm/R10/USEPA/US@EPA, Marcela  
VonVacano/R9/USEPA/US@EPA, Margaret  
Kroening/R4/USEPA/US@EPA, Margery  
Adams/R1/USEPA/US@EPA, Mario  
DelVicario/R2/USEPA/US@EPA, Mark  
Mahoney/R1/USEPA/US@EPA, Mark  
Ryan/R10/USEPA/US@EPA, Marvin  
Benton/R6/USEPA/US@EPA, Mary  
Butterwick/R9/USEPA/US@EPA, Melissa  
Gebien/R5/USEPA/US@EPA, Michael  
Boydston/R8/USEPA/US@EPA, Michael  
Szerlog/R10/USEPA/US@EPA, Mike  
Fisher/DC/USEPA/US@EPA, Mike  
Wylie/R4/USEPA/US@EPA, Monica  
Heimdal/ENF/R8/USEPA/US@EPA, Morgan  
Jackson/R4/USEPA/US@EPA, Nina  
Rivera/R3/USEPA/US@EPA, Pamela  
Lazos/R3/USEPA/US@EPA, Patrick

Rankin/R6/USEPA/US@EPA, Paul  
Schwartz/R4/USEPA/US@EPA, Peggy  
Livingston/ENF/R8/USEPA/US@EPA, Peter  
Stokely/DC/USEPA/US@EPA, Phil  
North/R10/USEPA/US@EPA, Philip  
Mancusi-Ungaro/R4/USEPA/US@EPA, Phyllis  
Feinmark/R2/USEPA/US@EPA, Raju  
Kakarlapudi/WWPD/R7/USEPA/US@EPA, Rebecca  
Chu/R10/USEPA/US@EPA, Rich  
Campbell/R9/USEPA/US@EPA, Rick  
Duffy/DC/USEPA/US@EPA, Robert  
Kenney/DC/USEPA/US@EPA, Robert  
Klepp/DC/USEPA/US@EPA, Robert  
Leidy/R9/USEPA/US@EPA, Ronald  
Mikulak/R4/USEPA/US@EPA, Sam  
Brown/DC/USEPA/US@EPA, saunders.jerry@epa.gov,  
Shannon Vallance/R6/USEPA/US@EPA, Sheldon  
Muller/ENF/R8/USEPA/US@EPA, "Samuels, Stephen  
(ENRD)" <SSamuels@ENRD.USDOJ.GOV>,  
sshamet@comcast.net, Stefania  
Shamet/R3/USEPA/US@EPA, Stephanie  
Fulton/R4/USEPA/US@EPA, Stephen  
Field/R3/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Steven  
Sanders/CNSL/R7/USEPA/US@EPA, Teresa  
Shirley/R4/USEPA/US@EPA, Thomas  
Nystrom/R6/USEPA/US@EPA, Tim  
Vendlinski/R9/USEPA/US@EPA, Timothy  
Landers/R6/USEPA/US@EPA, Todd  
Lutte/R3/USEPA/US@EPA, Tom  
Charlton/DC/USEPA/US@EPA, Tom  
Welborn/R4/USEPA/US@EPA, Toney  
Ott/EPR/R8/USEPA/US@EPA, Tracie  
Nadeau/R10/USEPA/US@EPA, Tracy  
DeGering/R10/USEPA/US@EPA, volk.everett@epa.gov,  
Wayne Gorski/R5/USEPA/US@EPA, Wendy  
Melgin/R5/USEPA/US@EPA, Wendy  
Silver/ENF/R8/USEPA/US@EPA, William  
Hoffman/R3/USEPA/US@EPA, Wilson  
Yee/R9/USEPA/US@EPA, Yerusha  
Beaver/R6/USEPA/US@EPA, Yone  
Yu/R5/USEPA/US@EPA, Yvonne  
Vallette/R10/USEPA/US@EPA

Subject

*Ex. 5 Attorney Client*

To All:

*Ex. 5 Attorney Client*

*Ex. 5 Attorney Client*

Thanks.

-John

R-1115-10-Ex-393  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US      To James Vinch  
12/19/2008 10:04 AM            cc  
                                         bcc  
Subject [REDACTED]

[REDACTED]  
*Ex. 5 Attorney Client*  
[REDACTED]  
[REDACTED] Thanks. John



Scan001.PDF

James Vinch/DC/USEPA/US

James Vinch/DC/USEPA/US      To John Steketee/R5/USEPA/US@EPA  
12/19/2008 07:01 AM            cc  
Subject [REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]  
*Ex. 5 Attorney Client*  
[REDACTED]

Jim Vinch  
Water Enforcement Division  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington DC 20460  
tel: (202) 564-1256  
fax: (202) 564-0024

This email may contain confidential information that is attorney-client privileged, attorney work product or deliberative. Do not distribute outside of Federal government.

R-1115-10-Ex-711  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To jlevin, ddercke, swilley

09/25/2009 04:57 PM

cc

bcc

Subject Dow -- Status of EPA AOC -- Confidential  
Communication/Privileged/FOIA Exempt

Confidential Communication/Privileged/FOIA Exempt

Steve, Dan & Josh:

[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED] Thanks.

-John





John R. Michaud  
Assistant General Counsel for RCRA  
Solid Waste and Emergency Response Law Office  
Office of General Counsel  
U.S. EPA, Washington, D.C.  
Mail Code: 2366A  
tel: 202-564-5518  
fax: 202-564-5531  
email: michaud.john@epa.gov

----- Forwarded by John Michaud/DC/USEPA/US on 12/18/2008 12:52 PM -----

Karyn  
Wendelowski/DC/USEPA/US  
12/18/2008 11:26 AM

To John Michaud/DC/USEPA/US@EPA  
cc  
Subject

*Ex. 5 Attorney Client*

This was sent to a water email list - didn't know if you guys knew anything about this issue?

----- Forwarded by Karyn Wendelowski/DC/USEPA/US on 12/18/2008 11:26 AM -----

*Ex. 5 Attorney Client*

John Steketee to: Peter Stokely

12/18/2008 11:24 AM

Amy Legare, Amy Miller, Amy Porter, Andrew Cherry, Ankur Tohan, Ann Nutt, Ann Williams, "Toade, Anna (ENRD)", Beth Henning, Brett Moffatt, Brian Ross, Bryan Herczeg, Carla Fromm, Carol Kilbride, Chris Meade, Chris Saporita, Christopher Hunter, Christopher Muehlberger, Christopher Parker, Courtney Hamamoto, Dan Arsenault, Dana Skelley, Daniel Montella, Daren Vanlerberghe, David Allnut, David Cozad, David Gillespie, David Pohle, David Schulenberg, DavidW Smith, Debora Clovis, Deborah Hilsman, Delia Garcia, Denise Leonard, Diane Huffman, Diane Huffman, Diane Sipe, Donna Downing, Edie Goldman, Erin Foresman, Gary Jones, Ginny Phillips, Greg Carlson, Heather Dean, Howard Bunch, Hugh Barroll, James Morgan, James Vinch, Jamie Davis, Jane Lupton, Jane Watson, Jason Brush, Jeff Kopf, Jeffery Trevino, Jeffrey Clay, Jeffrey Lapp, Jessica Kao, Jodi Mazer, Joel Blumstein, Joel Strange, John Brink, John Emerson, John Gregory, John Lishman, John Olson, Karyn Wendelowski, Kenneth Champagne, Kevin Minoli, Kevin Knutson, Kim Kramer, Krista Rave-Perkins, Kristina Kemp, Kristine Pierard, Laurie Dubriel, Laurie Kermish, Leslie Humphrey, Linda Storm, Marcela VonVacano, Margaret Kroening, Margery Adams, Mario DelVicario, Mark Mahoney, Mark Ryan, Marvin Benton, Mary Butterwick, Melissa Gebien, Michael Boydston, Michael Szerlog, Mike Fisher, Mike Wylie, Monica Heimdahl, Morgan Jackson, Nina Rivera, Pamela Lazos, Patrick Rankin, Paul Schwartz, Peggy Livingston, Peter Stokely, Phil North, Philip Mancusi-Ungaro, Phyllis Feinmark, Raju Kakarlapudi, Rebecca Chu, Rich Campbell, Rick Duffy, Robert Kenney, Robert Klepp, Robert Leidy, Ronald Mikulak, Sam Brown, saunders.jerry, Shannon Vallance, Sheldon Muller, "Samuels, Stephen (ENRD)", sshamet, Stefania Shamet, Stephanie Fulton, Stephen Field,

Stephen Mendoza, Steven Sanders, Teresa Shirley, Thomas Nystrom,  
Tim Vendlinski, Timothy Landers, Todd Lutte, Tom Charlton, Tom  
Welborn, Toney Ott, Tracie Nadeau, Tracy DeGering, volk.everett,  
Wayne Gorski, Wendy Melgin, Wendy Silver, William Hoffman, Wilson  
Yee, Yerusha Beaver, Yone Yu, Yvonne Vallette

---

To All:

*Ex. 5 Attorney Client*

Thanks.

-John

R-1115-10-Ex-342  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Kenneth Westlake

11/20/2008 03:06 PM

cc Anne Rowan, Anton Martig, Bertram Frey, Brian Schlieger, Bruce Sypniewski, Catherine Garypie, David Cowgill, David Pfeifer, Eric Cohen, Gregory Rudloff, Hak Cho, Jeff Cahn, Jeff Kelley, Jeffrey Kimble, John Dorkin, Jose Cisneros, Kathleen Kowal, Kevin Pierard, Leverett Nelson, Mardi Klevs, Margaret Guerriero, Mark Durno, Mark Palermo, Mary Canavan, Mary Logan, Mick Hans, Newton Ellens, Peter Swenson, RafaelP Gonzalez, RALPH DOLLHOPF, Richard Karl, Robert Kaplan, Stephen Mendoza, Sue Elston, Thomas Crosetto, Timothy Henry, Tinka Hyde, Wendy Carney, Wendy Melgin

bcc

Subject

Ex. 5 Attorney Client

To All:

Here is a revised version of the DMDF memo. Thanks.

-John



Microsoft Word - Dow Dioxin Brief ACDE DMDF Version 11-20-08.pdf

Kenneth Westlake/R5/USEPA/US

Kenneth  
Westlake/R5/USEPA/US

11/19/2008 04:50 PM

To John Steketee/R5/USEPA/US@EPA

cc Anne Rowan/R5/USEPA/US@EPA, Anton Martig/R5/USEPA/US@EPA, Bertram Frey/R5/USEPA/US@EPA, Brian Schlieger/R5/USEPA/US@EPA, Bruce Sypniewski/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, David Cowgill/R5/USEPA/US@EPA, David Pfeifer/R5/USEPA/US@EPA, Eric Cohen/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA, Hak Cho/R5/USEPA/US@EPA, Jeff Cahn/R5/USEPA/US@EPA, Jeff Kelley/R5/USEPA/US@EPA, Jeffrey Kimble/R5/USEPA/US@EPA, John Dorkin/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA, Mardi Klevs/R5/USEPA/US@EPA, Margaret Guerriero/R5/USEPA/US@EPA, Mark Durno/R5/USEPA/US@EPA, Mark Palermo/R5/USEPA/US@EPA, Mary Canavan/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA, Mick Hans/R5/USEPA/US@EPA, Newton Ellens/R5/USEPA/US@EPA, Peter

Swenson/R5/USEPA/US@EPA, RafaelP  
Gonzalez/R5/USEPA/US@EPA, RALPH  
DOLLHOPF/R5/USEPA/US@EPA, Richard  
Karl/R5/USEPA/US@EPA, Robert  
Kaplan/R5/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Sue  
Elston/R5/USEPA/US@EPA, Thomas  
Crosetto/R5/USEPA/US@EPA, Timothy  
Henry/R5/USEPA/US@EPA, Tinka  
Hyde/R5/USEPA/US@EPA, Wendy  
Carney/R5/USEPA/US@EPA, Wendy  
Melgin/R5/USEPA/US@EPA, Kathleen  
Kowal/R5/USEPA/US@EPA

Subject Re: Dow -- Final Version of the ACOE DMDF EPA  
Jurisdiction Memorandum 📄

John,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Ex. 5 Attorney Client*  
[REDACTED]

[REDACTED]

[REDACTED]

Ken Westlake  
Supervisor, NEPA Implementation  
Office of Enforcement and Compliance Assurance  
6-2910

John Steketee/R5/USEPA/US

John  
Steketee/R5/USEPA/US  
11/19/2008 02:06 PM

To Bertram Frey/R5/USEPA/US@EPA, Eric  
Cohen/R5/USEPA/US@EPA, Leverett  
Nelson/R5/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Mark  
Palermo/R5/USEPA/US@EPA, Robert  
Kaplan/R5/USEPA/US@EPA, Jeff  
Cahn/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA, Margaret  
Guerriero/R5/USEPA/US@EPA, Bruce  
Sypniewski/R5/USEPA/US@EPA, Jose  
Cisneros/R5/USEPA/US@EPA, Hak  
Cho/R5/USEPA/US@EPA, Gregory  
Rudloff/R5/USEPA/US@EPA, Richard  
Karl/R5/USEPA/US@EPA, Wendy  
Carney/R5/USEPA/US@EPA, RALPH  
DOLLHOPF/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA, Mark  
Durno/R5/USEPA/US@EPA, Jeffrey  
Kimble/R5/USEPA/US@EPA, Brian  
Schlieger/R5/USEPA/US@EPA, Jeff  
Kelley/R5/USEPA/US@EPA, Anne  
Rowan/R5/USEPA/US@EPA, Mick  
Hans/R5/USEPA/US@EPA, RafaelP  
Gonzalez/R5/USEPA/US@EPA, Mary  
Canavan/R5/USEPA/US@EPA, Kenneth  
Westlake/R5/USEPA/US@EPA, Newton  
Ellens/R5/USEPA/US@EPA, John  
Dorkin/R5/USEPA/US@EPA, David  
Cowgill/R5/USEPA/US@EPA, Timothy  
Henry/R5/USEPA/US@EPA, Kevin  
Pierard/R5/USEPA/US@EPA, Wendy  
Melgin/R5/USEPA/US@EPA, Sue  
Elston/R5/USEPA/US@EPA, Anton  
Martig/R5/USEPA/US@EPA, Peter  
Swenson/R5/USEPA/US@EPA, David  
Pfeifer/R5/USEPA/US@EPA, Mardi  
Klevs/R5/USEPA/US@EPA, Thomas  
Crosetto/R5/USEPA/US@EPA, Tinka  
Hyde/R5/USEPA/US@EPA

cc

Subject Dow -- Final Version of the ACOE DMDF EPA Jurisdiction  
Memorandum

To All:

In anticipation of a yet-to-be-scheduled Dow briefing for the Regional Administrator on the ACOE Dredge Materials Disposal Facility located near Saginaw Michigan, attached is a copy of the final version of EPA's ACOE DMDF jurisdiction memorandum. Please let me know if you have any questions.  
Thanks.

-John



Microsoft Word - Dow Dioxin Brief ACDE DMDF Version 11-19-08.pdf

R-1115-10-Ex-18  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Leverett Nelson

06/06/2008 04:22 PM

cc Bertram Frey, Catherine Garypie, Eric Cohen, Jeff Cahn,  
Mark Palermo, Robert Kaplan

bcc

Subject Re: Fw: Draft RCRA CA Briefing -- FOIA Exempt

Ok. We will incorporate comments. Thanks.

Leverett Nelson/R5/USEPA/US

Leverett

Nelson/R5/USEPA/US

06/06/2008 04:02 PM

To John Steketee/R5/USEPA/US@EPA

cc Bertram Frey/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA, Eric  
Cohen/R5/USEPA/US@EPA, Jeff  
Cahn/R5/USEPA/US@EPA, Mark  
Palermo/R5/USEPA/US@EPA, Robert  
Kaplan/R5/USEPA/US@EPA

Subject Re: Fw: Draft RCRA CA Briefing -- FOIA Exempt 📎

John and Greg:

I suggest the following:

In the 1st paragraph, soften "The highest dioxin concentration detected to date is 1,600,000 ppt TEQ."  
Either state that this number was unverified, and is therefore unreliable, or plug in the highest detected  
concentration that was verified.

In the "**Saginaw Bay Sampling**" paragraph, clarify that MDEQ has asked **EPA** to fund the sampling.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Ex. 5 Attorney Client*



•

[Redacted]

*Ex. 5 Attorney Client*

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US  
06/06/2008 02:12 PM

To Bertram Frey/R5/USEPA/US@EPA, Leverett  
Nelson/R5/USEPA/US@EPA, Eric  
Cohen/R5/USEPA/US@EPA, Stephen  
Mendoza/R5/USEPA/US@EPA, Mark  
Palermo/R5/USEPA/US@EPA, Robert  
Kaplan/R5/USEPA/US@EPA  
cc Jeff Cahn/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA

Subject Fw: Draft RCRA CA Briefing -- FOIA Exempt

ORC Mgmt:

Please let me know if you have any comments asap on the attached draft briefing document. We have a deadline of COB today. Thanks.

-John

----- Forwarded by John Steketee/R5/USEPA/US on 06/06/2008 02:10 PM -----

Gregory  
Rudloff/R5/USEPA/US  
06/06/2008 01:59 PM

To John Steketee  
To  
cc

bcc

Fax to

Subject Draft RCRA CA Briefing

Attached is a draft briefing that I plan to send to Margaret at the end of the day. Let me know if you have any comments or revisions.

Thanks,

Gregory A. Rudloff, P.G.  
Corrective Action Section  
Waste Management Branch  
Land and Chemicals Division  
Region 5, U.S. EPA  
(312) 886-0455  
rudloff.gregory@epa.gov



Dow Briefing 6-9-08.doc

R-1115-10-Ex-522  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Leverett Nelson

06/11/2009 04:11 PM

cc Catherine Garypie, Jeff Cahn

bcc

Subject Re: Fw: Fact Sheets for June 17th Public Meeting

Confidential Communication/Privileged/FOIA Exempt

*Ex. 5 Attorney Client*

Leverett Nelson

Well, unfortunately the State will have...

06/11/2009 12:59:37 PM

From: Leverett Nelson/R5/USEPA/US  
To: Jeff Cahn/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA  
Cc: John Steketee/R5/USEPA/US@EPA  
Date: 06/11/2009 12:59 PM  
Subject: Fw: Fact Sheets for June 17th Public Meeting

Well, unfortunately the State will have comments, which they will give to us in a 10:00 phone call tomorrow morning. I don't know what to suggest: maybe send the draft to Kathy now, telling her it is subject to change based on comments from MDEQ (Steve/Frank/Jim S./All T.), and prep her for the need to give a written okay to release once we give her a final? I don't want to send anything to Dow if the State is not on board: maybe just a call today to tell them they'll get the final topics language to review late Friday, with our request for written okay on Monday? I'm interested in what you think. I have a call till 2:15.

-Rett

----- Forwarded by Leverett Nelson/R5/USEPA/US on 06/11/2009 12:52 PM -----

From: Wendy Carney/R5/USEPA/US  
To: chesters@michigan.gov, ruswickf@michigan.gov  
Cc: Bharat Mathur/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA, Richard Karl/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA  
Date: 06/10/2009 05:37 PM  
Subject: Fact Sheets for June 17th Public Meeting

Please find attached the fact sheets that will be the subject of the call tomorrow, 6/11. We would like to make these fact sheets available at the upcoming public meeting on June 17th. Please let me know if you need anything further. Thanks!

[attachment "Dow june meeting handouts.pdf" deleted by John Steketee/R5/USEPA/US]

Wendy L. Carney, Chief  
Remedial Response Branch #1  
U.S. EPA - Region 5  
Superfund Division  
77 W. Jackson Blvd SR-6J  
Chicago, IL 60604

e-mail: carney.wendy@epa.gov

fax: (312) 353-9306  
voice: (312) 353-6553

R-1115-10-Ex-657

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Leverett Nelson

09/02/2009 09:39 AM

cc Catherine Garypie, Jeff Cahn, Larry Kyte, Robert Kaplan, Stephen Mendoza, Mark Palermo, Eric Cohen, Bertram Frey

bcc

Subject Re: Dow: Request for DOJ Comments

Confidential Communication/Privileged/FOIA Exempt

Rett:

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

[Redacted]

[Redacted] Thanks.

-John

Leverett Nelson

CONFIDENTIAL PRIVILEGED FOIA...

08/27/2009 03:20:17 PM

From: Leverett Nelson/R5/USEPA/US  
 To: dderke@enrd.usdoj.gov, jlevin@enrd.usdoj.gov, sschacht@enrd.usdoj.gov  
 Cc: swilley@enrd.usdoj.gov, Jeff Cahn/R5/USEPA/US@EPA, Catherine Garypie/R5/USEPA/US@EPA, John Steketee/R5/USEPA/US@EPA, Wendy Carney/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA, Larry Kyte/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA  
 Date: 08/27/2009 03:20 PM  
 Subject: Dow: Request for DOJ Comments

CONFIDENTIAL      PRIVILEGED      FOIA EXEMPT      SUBJECT TO  
 CONFIDENTIALITY AGREEMENT

Dear Dan/Josh/Scott:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

Thanks for your past willingness to work through these issue with us.

-Rett

[Redacted]

[Redacted]

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

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*Ex. 5 Attorney Client*

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*Ex. 5 Attorney Client*

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[Redacted] *Ex. 5 Attorney Client* [Redacted]  
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*Ex. 5 Attorney Client*

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*Ex. 5 Attorney Client*

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[attachment "DOW AOC for RI FS RD 08 27 09 EPA.wpd" deleted by John Steketee/R5/USEPA/US]





08/04/2008 09:08 AM

Subject Re: Fw: Saginaw River DMDF

FYI. See the following from EPA's 404(c) Fact Sheet:

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

Wendy Melgin/R5/USEPA/US

Wendy Melgin/R5/USEPA/US  
08/04/2008 08:59 AM

To John Steketee/R5/USEPA/US@EPA  
cc  
Subject Re: Fw: Saginaw River DMDF 

[REDACTED]

*Ex. 5 Attorney Client*

R-1115-10-Ex-319

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To RALPH DOLLHOPF

10/29/2008 04:56 PM

cc

bcc

Subject Re: Draft letter to Dow re upcoming process PRIVILEGED-  
Enforcement Confidential/Privileged



[Redacted text block]

*Ex. 5 Attorney Client*

[Redacted text block]

[Redacted text block]

RALPH DOLLHOPF/R5/USEPA/US

RALPH  
DOLLHOPF/R5/USEPA/US  
10/29/2008 04:40 PM

To Jeff Cahn/R5/USEPA/US@EPA  
cc Catherine Garypie/R5/USEPA/US@EPA, Gregory  
Rudloff/R5/USEPA/US@EPA, Jason  
El-Zein/R5/USEPA/US@EPA, Jeffrey  
Kimble/R5/USEPA/US@EPA, John  
Steketee/R5/USEPA/US@EPA, Leverett  
Nelson/R5/USEPA/US@EPA, Mark  
Durno/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA, Richard  
Karl/R5/USEPA/US@EPA, Robert  
Kaplan/R5/USEPA/US@EPA, Wendy  
Carney/R5/USEPA/US@EPA

Subject Re: Draft letter to Dow re upcoming process PRIVILEGED-  
Enforcement Confidential/Privileged

Letter looks good. Here are just a few suggestions, Jeff. Please call if you have questions.



Greg Cochran- RD Comments.doc

Ralph Dollhopf, OSC  
USEPA Region 5  
Emergency Response Branch  
801 Garfield Avenue, #229  
Traverse City, MI 49686

231 264 8713 New Land Line and Fax  
(Please call before faxing)  
231 301 0559 Cell Phone

Jeff Cahn/R5/USEPA/US

Jeff Cahn/R5/USEPA/US  
10/29/2008 04:46 PM

To

Subject Draft letter to Dow re upcoming process PRIVILEGED

Please provide comments on the text below by no later than noon on Thursday, October 30, 2008:

Greg Cochran  
Director of Michigan Dioxin Initiative  
The Dow Chemical Company  
1790 Building  
Midland, MI 48674

Re: The Dow Chemical Company, Midland, Michigan  
Tittabawassee River Dioxin Spill Site

Dear Mr. Cochran:

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

[Redacted text block]

[Redacted text block]

*Ex. 5 Attorney Client*

[Redacted text block]

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[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

[REDACTED]

[REDACTED]

R-1115-10-Ex-136  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Wendy Melgin

08/04/2008 09:05 AM

cc

bcc

Subject Re: Fw: Saginaw River DMDF

*Ex. 5 Attorney Client*

Wendy Melgin/R5/USEPA/US

Wendy Melgin/R5/USEPA/US

08/04/2008 08:59 AM

To John Steketee/R5/USEPA/US@EPA

cc

Subject Re: Fw: Saginaw River DMDF 

*Ex. 5 Attorney Client*

R-1115-10-Ex-142  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Wendy Melgin

08/04/2008 09:23 AM

cc Kevin Pierard, Stephen Mendoza

bcc

Subject Re: Fw: Saginaw River DMDF

Wendy:

[REDACTED]

[REDACTED]  
*Ex. 5 Attorney Client*  
Thanks.

-John

Wendy Melgin/R5/USEPA/US

Wendy Melgin/R5/USEPA/US

08/04/2008 09:10 AM

To John Steketee/R5/USEPA/US@EPA

cc Kevin Pierard/R5/USEPA/US@EPA

Subject Re: Fw: Saginaw River DMDF 📎

[REDACTED]  
*Ex. 5 Attorney Client*

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US

To

08/04/2008 09:08 AM

Subject Re: Fw: Saginaw River DMDF

FYI. See the following from EPA's 404(c) Fact Sheet:

[REDACTED]

[REDACTED]  
*Ex. 5 Attorney Client*

[Redacted]


[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

Wendy Melgin/R5/USEPA/US

Wendy Melgin/R5/USEPA/US  
08/04/2008 08:59 AM

To John Steketee/R5/USEPA/US@EPA  
cc  
Subject Re: Fw: Saginaw River DMDF 

[Redacted]

*Ex. 5 Attorney Client*



R-1115-10-Ex-138  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

John Steketee/R5/USEPA/US

To Wendy Melgin

08/04/2008 09:08 AM

cc

bcc

Subject Re: Fw: Saginaw River DMDF

FYI. See the following from EPA's 404(c) Fact Sheet:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

Wendy Melgin/R5/USEPA/US

Wendy Melgin/R5/USEPA/US

08/04/2008 08:59 AM

To John Steketee/R5/USEPA/US@EPA

cc

Subject Re: Fw: Saginaw River DMDF 

[REDACTED]

*Ex. 5 Attorney Client*

R-1115-10-Ex-419  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

Justina Fugh/DC/USEPA/US

To Nola Hicks

01/16/2009 02:51 PM

cc Bertram Frey, ddertke, Eric Cohen, jlevin, John Steketee,  
Leverett Nelson, Mark Palermo, Peggy Love, Robert Kaplan,  
Stephen Mendoza, swilley

bcc

Subject Re: Isn't Mary Gade prohibited from working on Dow  
matters? Re: Fw: Former EPA administrator questions local  
Superfund process

Hi --

Mary Gade called me about this before her appearance, and I spoke to two Region 5 attorneys about it on 1/9/09 (Jeff Cahn and Catherine Garypie). I also left a voice mail for Marcy about this. I know that my answer seems incredible to you, but I'll reiterate it here: Mary Gade's appearance at a public hearing, speaking on her own behalf and not on behalf of another, does not constitute a post-employment violation. She was not representing another's interests.

As you have heard me say before, the post employment prohibitions are far less restrictive than people assume (except if the former employee is a lawyer). Basically, we are talking about a representational bar. This means that a former fed cannot *represent* another's interests back to the federal government in a particular matter involving specific parties in which she participated personally and substantially. The law permits "behind the scenes" discussions; it prohibits only making an appearance or communication back to the feds on behalf of another, whether paid or unpaid.

I understand that Mary participated personally and substantially in the matter, and that it is indeed a particular matter involving specific parties. I also understand that she made an appearance or communication before the EPA. That being said, she says that she was not representing another's interests but only her own. Lacking just that one element of the statute, there cannot be a violation of the permanent restriction found at 18 USC 207(a)(1).

As for the restriction against any communication back to EPA for one year, which is found at 18 USC 207(c), the "representation on behalf of another" is still a required element. Moreover, I don't really see how the Agency could argue that it was being contacted with the intent to influence when, as I understand it, the forum was a public meeting in which EPA invited comments from the public. So I didn't conclude that she had violated this statute either.

Apart from the federal rules, an attorney admitted to practice is bound by rule 1.11 not to provide even behind-the-scenes consultation to another on a particular matter involving specific parties that she participated in personally and substantially. I have reviewed this particular rule with Mary, but understand that she is not acting in a representational capacity and has not activated her bar license. Any concern on the part of an Illinois attorney about abiding by this standard of conduct would be pursued with the bar counsel, not OGC/Ethics. Similarly, whether the Agency or the United States has any cause of action against a former federal official for violating the terms of a confidentiality agreement is not within the purview of federal ethics, I'm afraid.

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772

Nola Hicks

Justina and Peggy: [Here is a question...](#)

01/16/2009 02:34:14 PM

From:

Nola Hicks/R5/USEPA/US

To:

Justina Fugh/DC/USEPA/US@EPA, Peggy Love/DC/USEPA/US@EPA

Cc: John Steketee/R5/USEPA/US@EPA, Bertram Frey/R5/USEPA/US@EPA, dderke@enrd.usdoj.gov, Eric Cohen/R5/USEPA/US@EPA, jlevin@enrd.usdoj.gov, Leverett Nelson/R5/USEPA/US@EPA, Mark Palermo/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA, swilley@enrd.usdoj.gov, Stephen Mendoza/R5/USEPA/US@EPA  
Date: 01/16/2009 02:34 PM  
Subject: Re: Isn't Mary Gade prohibited from working on Dow matters? Re: Fw: Former EPA administrator questions local Superfund process

---

Justina and Peggy: Here is a question regarding statements made in a public meeting by Mary Gade. However, she isn't really working on the Dow matter. She is commenting on a specific matter that she handled while RA. What are your thoughts?

-----Stephen Mendoza/R5/USEPA/US wrote: -----

To: John Steketee/R5/USEPA/US@EPA  
From: Stephen Mendoza/R5/USEPA/US  
Date: 01/16/2009 01:03PM  
cc: NOLA HICKS, Bertram Frey/R5/USEPA/US@EPA, dderke@enrd.usdoj.gov, Eric Cohen/R5/USEPA/US@EPA, jlevin@enrd.usdoj.gov, Leverett Nelson/R5/USEPA/US@EPA, Mark Palermo/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA, swilley@enrd.usdoj.gov  
Subject: Isn't Mary Gade prohibited from working on Dow matters? Re: Fw: Former EPA administrator questions local Superfund process

I am forwarding this to our Deputy Ethics Officials. Isn't Mary Gade prohibited from working on this matter since she was actively involved in Dow matter when she was the R5 RA?

▼ John Steketee/R5/USEPA/US

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To: Bertram Frey/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA, Eric Cohen/R5/USEPA/US@EPA, Stephen Mendoza/R5/USEPA/US@EPA, Mark Palermo/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA, jlevin@enrd.usdoj.gov, dderke@enrd.usdoj.gov, swilley@enrd.usdoj.gov

cc

Subject: Fw: Former EPA administrator questions local Superfund process

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----- Forwarded by John Steketee/R5/USEPA/US on 01/16/2009 12:49 PM -----

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ToSypniewski.Bruce@epamail.epa.gov@EPA,  
ToCisneros.Jose@epamail.epa.gov@EPA, Hak Cho,  
Gonzalez.Rafaelp@epamail.epa.gov@EPA, Mario Mangino  
ccJohn Steketee  
John Steketee

01/1 bcc  
6/20  
09 Fax to  
12:3  
3  
PM

SubjectFormer EPA administrator questions local Superfund process

F.Y.I.

## Former EPA administrator questions local Superfund process

By Tony Lascari  
of the Midland Daily News

Published: Friday, January 16, 2009 12:55 PM EST

A room of about 80 people fell silent Thursday night when former U.S. Environmental Protection Agency Administrator Mary A. Gade called into question the need for a new approach to dioxin cleanup in local waterways.

At a meeting hosted by the EPA and Michigan Department of Environmental Quality, Gade questioned those agencies' negotiations with The Dow Chemical Co. to create a Superfund Alternative Approach for the cleanup of the Tittabawassee River, Saginaw River and Saginaw Bay.

Gade said processes already in place have led to cleanup work on the rivers after decades of inaction. She believes the new negotiations could lead to delays in work when Dow already was paying to do actual cleanup work.

"There is an existing process," she said. "So the issue is taking up time and wasting resources, and I'm not sure why."

Gade left the EPA last May, stating her departure was caused by political pressure from EPA headquarters surrounding her handling of the Dow dioxin site.

Frank Ruswick, MDEQ senior policy adviser, said the current processes being used to force cleanup were not designed to provide solutions for such a large area. Entering a Superfund approach would not eliminate Dow's requirements under its state permits, but would allow those requirements to be more quickly met, he said.

"We're not doing anything that is completely new," he said. "It's something we envisioned might be beneficial."

Ruswick said the Superfund option is the best tool available for cleanup, and that's why the change in processes is now being sought.

"It also has to do with the relationship between the agencies," he added, indicating a change in cooperation since Gade left her post.

Wendy Carney, an EPA Superfund program manager, said new data gathered in the past year has given a better picture of the cleanup work that is needed. She said in negotiations with Dow, the EPA hopes to clean certain areas, stabilize banks and develop sediment traps. The goal is to see cleanup actions under the Superfund approach starting in 2010, with work this year taking place under existing processes.

Mary Logan, EPA remedial project manager, said working through the EPA allows the government to recoup costs associated with the project. The agency recently issued its first bill to Dow, which amounted to \$1.8 million. If the state handled cleanup, it cannot get back all of the costs and might not be able to hire the experts needed to complete work, she said.

Lone Tree Council member Terry Miller called into question the EPA taking the lead on cleanup, citing a March 2008 letter from Dow Executive Vice President David Kepler to an EPA assistant administrator in Washington, D.C.

In the letter, Kepler wrote that Dow disagreed with the EPA's decision at that time to rely on state programs for the cleanup, preferring instead the federal government's Superfund program for coordinating cleanup efforts.

"The Rivers and Bay would receive the benefit of national program management, expertise and guidance, and the State program could focus its more limited resources on addressing issues in the City of Midland and on the Dow Plant site," Kepler wrote.

Miller said after the letter was sent, Gade was forced out, the state handed the issue to Ruswick and now officials are proposing exactly what Dow requested in the letter.

"It's right under this paragraph from this vice president from Dow Chemical," Miller said. "We fear we're being puppets on a string."

Gade went further, stating the company has threatened to leave.

"I know that Dow Chemical has threatened to leave the state; I've spoken with Gov. (Jennifer) Granholm a little over a year ago," she said.

Dow officials did not attend the meeting because it was designed for the EPA and MDEQ to communicate with the public and therefore couldn't comment on Gade's claim, Dow spokeswoman Mary Draves said.

She said entering the Superfund approach provides the best coordination of the work as Dow moves forward with its cleanup efforts.

"The process that we're going to now is used by the EPA all around the country and it's the standard that's used. It's not something that's really novel," she said. "There's been frustrations all the way around and series of events in the past. We're looking at this process, as we're moving forward, as a good thing because we're all talking and it's really our best hope moving forward with a resolution, and that's what we're working on."

Draves said the company is committed to working to resolving the issue.

"We want it to be successful," she said. "We're following their process they've asked us to go through and we continue to have discussions with that."

Others at the meeting said a solution is needed that looks at the scientific evidence. Among them was Saginaw businessman Peter Shaheen, who pointed out that Dow has spent tens of millions of dollars already investigating and cleaning the river systems.

He urged the agencies to find a solution that satisfies the need of the environment without driving the area's major employer out of the community.

Dow retiree Etcyl Blair said dioxins have been shown in studies to not be as toxic as some people would claim.

"We are wasting public money on an issue that should not even be an issue," he said.

Some area township supervisors also spoke, calling for the cleanup process to be completed so the area can move on.

Negotiations on the Superfund approach could continue until March 15 if a 30 day extension is given, after which a public comment period would occur, according to EPA officials. Details on how long that process would last and what it would consist of are unknown.

After that time, the EPA could approve the settlement agreement with Dow or go back to negotiations if changes needed to be made. If approved, Logan said the EPA would work to smoothly transition cleanup efforts.

R-1115-10-Ex-286

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

Leverett Nelson/R5/USEPA/US

To John Steketee

cc

10/02/2008 03:12 PM

bcc

Subject Re: Dow -- 2 Questions -- Confidential  
Communication/Privileged/FOIA Exempt

John:

[REDACTED]

*Ex. 5 Attorney Client*

-Rett

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US

10/01/2008 02:32 PM

To Leverett Nelson/R5/USEPA/US@EPA

cc

Subject Dow -- 2 Questions -- Confidential  
Communication/Privileged/FOIA Exempt

One more thing. This may be obvious, but the simplest and best way for the EPA representatives to prepare for the October meeting(s), would be to carefully read and fully digest of all of the EPA and the NRD Trustees comments on the Saginaw River and Bay Remedial Investigation Work Plan.

---

Confidential Communication/Privileged/FOIA Exempt

Rett:

[REDACTED]

*Ex. 5 Attorney Client*

[Redacted]

[Redacted]

*Ex. 5 Attorney Client*

[Redacted]

*Ex. 5 Attorney Client*

Thanks.

-John



R-1115-10-Ex-26  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege; Ex. 5 -- Deliberative Process Privilege

Margaret  
Guerrero/R5/USEPA/US  
06/12/2008 02:29 PM

To Bruce Sypniewski  
cc  
bcc

Subject Re: Dow Control - Bharat's Response RE: Tribal Involvement.

Our contact should be Jose not Greg. Can you contact Luke and tell him that? Thanks.

Bruce Sypniewski

----- Original Message -----

**From:** Bruce Sypniewski  
**Sent:** 06/12/2008 08:32 AM CDT  
**To:** guerriero.margaret@epa.gov  
**Subject:** Dow Control - Bharat's Response RE: Tribal Involvement.


Hello,

Luke called me yesterday evening and informed me of a control that Bharat received from Chief Cantu of the Saginaw Tribe. The Chief's letter complained about Region 5 not involving the Tribe in decision making or providing information. I explained to Luke that Greg Rudolph was the RCRA Corrective Action contact but it was my understanding that Ralph was the main point of contact regarding the project. I suggested that Luke speak with Bharat as to who the tribes should contact when they have questions regarding the Corrective Action or Removal projects. The attached e-mail sums up the discussion Luke had with Bharat.

Thanks,  
Bruce.

----- Forwarded by Bruce Sypniewski/R5/USEPA/US on 06/12/2008 08:17 AM -----

Luke Jones/R5/USEPA/US  
06/11/2008 05:38 PM

To Leverett Nelson/R5/USEPA/US@EPA  
cc Bruce Sypniewski/R5/USEPA/US@EPA, Douglas Ballotti/R5/USEPA/US@EPA, el-zein.jason@epa.gov, Gregory Rudloff/R5/USEPA/US@EPA  
Subject Re: Chief Cantu Control re: Dow 

Rett;

I spoke with Doug Ballotti and Bruce Sypniewski yesterday and touched base with Bharat today. Bharat agrees that I should not be the person listed on the reply letter. If Bruce and Doug are okay with the idea, Bharat responded positively to having the letter tell the tribe to contact LCD with questions about our Corrective Action involvement and Superfund Division with questions about removal work. (He specifically stated that we should NOT put Ralph Dollhopf's name on the letter.)

I would suggest we change the last paragraph to read something like this:

"In the mean time, please have your staff direct questions relating to our cleanup work to Jason El-Zein, Removal Branch Chief, Superfund Division (el-zein.jason@epa.gov, 734-692-7661). Questions related to our ongoing RCRA Corrective Action Program can be directed to Greg Rudloff, Land & Chemicals Division (rudloff.gregory@epa.gov, 312.886.0455).

"Again, thank you for your letter and I look forward to continuing our productive working relationship."

-----  
Luke Jones, Director  
Indian Environmental Office  
US EPA Region 5 (R-21J)  
77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 353-2087

Leverett Nelson/R5/USEPA/US

Leverett  
Nelson/R5/USEPA/US  
06/10/2008 05:20 PM

To Luke Jones/R5/USEPA/US@EPA  
cc Robert Kaplan/DC/USEPA/US@EPA, John  
Steketee/R5/USEPA/US@EPA, Cheryl  
Klebenow/R5/USEPA/US@EPA, canavan.mary@epa.gov,  
Ronna Beckmann/R5/USEPA/US@EPA,  
mathur.bharat@epamail.epa.gov

Subject Chief Cantu Control re: Dow

Luke:

Perhaps the best way to proceed is for you to talk directly to Bharat about your past meeting(s) with the tribe, and your concern about the letter (as drafted) referring them to you for more information. Please let me know whose name Bharat wants to use as the contact; I would suggest using both Rick Karl in Superfund, and Margaret Guerriero in LCD, since both programs currently have a significant role in the Dow matter.

We will redraft the letter according to your directions. Thanks.

-Rett

R-1115-10-Ex-40  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege

Margaret  
Guerrero/R5/USEPA/US  
06/20/2008 12:58 PM

To mathur.bharat  
cc karl.richard, Jose Cisneros, dollhopf.ralph, Robert Kaplan  
bcc  
Subject Support for Dow Eco-risk Work

Just wanted to keep you in the loop that Rick and I are working on making Jim Chapman available to do the eco-risk work requested by MDEQ. I've asked Jose Cisneros to take the lead on working with Jim's management to provide the scope of this workload and identify any additional resources Jim will need to complete the work, (including contractor support if needed). (Thanks to Rick for clearing Jim to do this work.)

Ralph and I have also discussed the role Marc Greenburg's could play in providing oversight to this process. We will be in a better position to determine how he can add value once we have a clear understanding of what Jim's work will entail.

Margaret M. Guerrero, Director  
Land and Chemicals Division  
U.S. EPA  
77 W. Jackson, Chicago, IL 60604  
(312)886-0399  
guerrero.margaret@epa.gov

R-1115-10-Ex-42  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege

Margaret  
Guerriero/R5/USEPA/US  
06/20/2008 01:06 PM

To mathur.bharat  
cc karl.richard, Robert Kaplan, dollhopf.ralph  
bcc  
Subject Talking points for call with MDEQ - Confidential

Hi Bharat,

I understand there is no call with MDEQ today. Let me know if I have that wrong.

I put together the following proposed talking points to use for the corrective action conversation with MDEQ. We can fine tune them on Monday.

- recognize MDEQ has lead for corrective action
- want to support MDEQ on dealings with Dow on corrective action part of site
- think we have worked out a way to support MDEQ's current request for support on eco-risk assessment work
- are interested in supporting the practice of approving documents with modifications rather than repeated submittals by Dow
- have some ideas about how to work together to minimize the pattern of schedule slippage and ensure timely response actions by Dow
- believe interactions with Dow need to be memorialized for the administrative record rather than the current practice of face-to-face meetings that do not include summary of agreements and commitments
- would like to have a face-to-face to discuss this in more detail

Margaret M. Guerriero, Director  
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U.S. EPA  
77 W. Jackson, Chicago, IL 60604  
(312)886-0399  
guerriero.margaret@epa.gov

R-1115-10-Ex-39  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege

Margaret  
Guerrero/R5/USEPA/US  
06/20/2008 12:58 PM

To mathur.bharat  
cc karl.richard, Jose Cisneros, dollhopf.ralph, Robert Kaplan  
bcc  
Subject Support for Dow Eco-risk Work

Just wanted to keep you in the loop that Rick and I are working on making Jim Chapman available to do the eco-risk work requested by MDEQ. I've asked Jose Cisneros to take the lead on working with Jim's management to provide the scope of this workload and identify any additional resources Jim will need to complete the work, (including contractor support if needed). (Thanks to Rick for clearing Jim to do this work.)

Ralph and I have also discussed the role Marc Greenburg's could play in providing oversight to this process. We will be in a better position to determine how he can add value once we have a clear understanding of what Jim's work will entail.

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R-1115-10-Ex-41  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege

Margaret  
Guerriero/R5/USEPA/US  
06/20/2008 01:06 PM

To mathur.bharat  
cc karl.richard, Robert Kaplan, dollhopf.ralph  
bcc  
Subject Talking points for call with MDEQ - Confidential

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- would like to have a face-to-face to discuss this in more detail

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R-1115-10-Ex-547

05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Deliberative Process Privilege

RafaelP  
Gonzalez/R5/USEPA/US  
07/08/2009 08:25 AM

To Jose Cisneros  
cc David Cowgill, Gregory Rudloff, Hak Cho, John Steketee,  
Mary Logan, Wendy Carney  
bcc

Subject Re: Fw: Draft ACOE Meeting Notes

Joe, I believe the framework for sharing and informing the community is within the replies from ACOE to the questions posed by EPA ... and the information can be further expanded upon for explanation to the community ... I believe the real task is, how, do you deliver the information to the community. This is what I would consider given this community ...

1. I would present the information in a community setting, ie: a local neighborhood meeting open to the general community ... face to face ... short presentation on activities at the DMDF and then move to the Q/A ... and so forth ...
2. I would distribute a fact sheet at this meeting, the fact sheet would be the future follow up to any updates ... ( we generate a mailing list) from the meeting ... etc.
3. If we want to really get more aggressive on "something more definite," "than just answers" ... I would partner with a local enviro-group who has shown an interest and share the platform with them ... this does not require we give anything up ... but this community does want to be a part of the process ... it builds bridges and they become part of the answers.

Rafael P. Gonzalez - Public Affairs Specialist  
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Jose Cisneros/R5/USEPA/US

Jose Cisneros/R5/USEPA/US  
07/06/2009 04:48 PM

To Gregory Rudloff/R5/USEPA/US@EPA, John  
Steketee/R5/USEPA/US@EPA, Wendy  
Carney/R5/USEPA/US@EPA, Mary  
Logan/R5/USEPA/US@EPA  
cc RafaelP Gonzalez/R5/USEPA/US@EPA, Hak  
Cho/R5/USEPA/US@EPA, David  
Cowgill/R5/USEPA/US@EPA

Subject Fw: Draft ACOE Meeting Notes

Hi--

Today, Bharat asked for a plan to be implemented concerning the 5 issues we, EPA, raised to the USACE concerning the management of the DMDF on 5/12/09. Greg produced the notes attached, summarizing what took place during the call, but we did not request any formal follow-up from the USACEs. Bharat asked the question "what do we need from the USACEs. as a response to the communities concerns". I think he was feeling that we need something more definite from the USACEs than just answers we keep in our records--to show the progress we are making at the site, we need to be able to share results with the public, and results like getting some commitments from the USACEs is part of that.

Bharat suggested that we get the actions committed to by the USACEs into the O and M Plan for the DMDF. Then we need to let the public know we talked with the USACEs and got their commitment to be aware of the things the public was concerned about and we got actions taken. In the case of the drinking water intakes, we decided to take action ourselves, when the USACEs said that they were not worried and did not feel it was necessary. So we need something tangible like that for all of the issues raised and addressed in the call.

Could an amendment to the workplan address each of our issues? Could we suggest language for the well sampling plan and include not only additional sampling actions recommended for the 28 monitoring wells but also language about how the residential wells will be sampled once per year to address their concerns or that if any elevated levels of chemical contaminants are found in the monitoring wells, the residential wells down gradient of the affected monitoring well would be sampled? For the wildlife attractive nuisance issue, can they have a short but detailed response to findings of regular use by the DMDF by waterfowl and other wildlife as part of the O and M plan? For the odors, could they or do they have a written response in the workplan in the case of the DMDF becoming a source of foul odors? Or a response such as application of larvicide to all ponded water on a standard basis as a control for insects?

If we could get these things included, we could share excerpts of the O and M Plan with the public and the public would know what the USACEs committed to and they could contact us or the USACEs directly if they perceive any part of the Plan is not being implemented.

I think we should talk about what we would want to see the USACEs agree to include in the O and M plan and then we can contact the folks we spoke with last time and see if we can come up with a way to make it happen.

Let me know what you all think and perhaps we can meet later in the week to discuss.

Thanks,

Joe

6-6945

----- Forwarded by Jose Cisneros/R5/USEPA/US on 07/06/2009 04:16 PM -----

Gregory  
Rudloff/R5/USEPA/US

05/13/2009 09:26 AM

To: Jose Cisneros@EPA

cc

Subject: Draft ACOE Meeting Notes

Attached are draft meeting notes for yesterday's ACOE meeting. Let me know if you have any comments or revisions. I'll send them out to the group after I make any revisions.

Thanks,

Gregory A. Rudloff, P.G.  
Corrective Action Section  
Waste Management Branch  
Land and Chemicals Division  
Region 5, U.S. EPA



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rudloff.gregory@epa.gov



5-12-09 DMDF ACPF Conf Call Notes.doc

R-1115-10-Ex-24  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege; Ex. 5 -- Attorney Work-Product Privilege; Ex. 5 -- Deliberative Process Privilege

Robert Kaplan/R5/USEPA/US  
06/11/2008 09:34 AM

To John Steketee  
cc Leverett Nelson  
bcc

Subject Dow -- final CA memo?

John, I think I only have a draft from June 9th. Is there an updated memo for the 11:00 a.m. mtg?

I know Bharat wants to focus on a few key points, like (1) what should our approach to oversight be when state is in the lead and (2) what is the CERCLA RCRA interface, in terms of schedule, staffing, etc.

-- Bob

Robert A. Kaplan  
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R-1115-10-Ex-515  
05-FOI-01115-10

Release Determination: Ex. 5 -- Attorney Client Privilege

"Taylor, AI (DEQ)"  
<TAYLORA@michigan.gov>  
Sent by: "MacKenzie-Taylor,  
Deb (DEQ)"  
<MACKENZIE-TAYLORD@mic  
06/01/2009 02:23 PM

To Gregory Rudloff, John Steketee  
cc "MacKenzie-Taylor, Deb (DEQ)"  
bcc  
Subject FW: Dow Petition for Contested Case / Attorney Client  
Privileged

[Forwarding for AI.](#)

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**From:** Prins, Andrew T.  
**Sent:** Friday, May 29, 2009 1:21 PM  
**To:** Tuma, Gary (DEQ)  
**Cc:** Taylor, AI (DEQ); Cavanaugh, Kathleen  
**Subject:** Dow Petition for Contested Case / Attorney Client Privileged

Gary:

In addition to Dow's appeal that is currently in the Midland Circuit Court, Dow also filed with the SOAHR a Petition for a Contested Case regarding the 2008 SOW decision. Last October we filed a motion for summary disposition contending that the Tribunal lacked jurisdiction over Dow's claims. The ALJ has granted our motion and the Petition for a Contested Case has been dismissed with prejudice. Attached is the Opinion and Order. If you have any questions, let me know.

Andrew T. Prins  
Assistant Attorney General  
Environment, Natural Resources,  
and Agriculture Division  
P.O. Box 30755  
Lansing, MI 48909  
(517) 373-7540



dow order.pdf