

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,

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Thanks,  
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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 

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"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 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 ACOE DMDF Version 11-19-08.pdf

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





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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  
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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

---

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SRFB RIWP

(document to be provided)

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.

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**Sent:** 06/12/2008 08:32 AM CDT  
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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  
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"Again, thank you for your letter and I look forward to continuing our productive working relationship."

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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,  
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R-1115-10-Ex-24  
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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  
Regional Counsel  
U.S. EPA Region 5  
Phone: (312) 886-1499  
Fax: (312) 886-0747  
Email: kaplan.robert@epa.gov

R-1115-10-Ex-760  
05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Antoinette Hall

10/06/2009 04:16 PM

cc Gregory Rudloff, Jose Cisneros, Leverett Nelson, Margaret Guerriero, Mary Logan, Wendy Carney, Bertram Frey, Eric Cohen, Leverett Nelson, Stephen Mendoza, Mark Palermo, Robert Kaplan, Jeff Cahn, Catherine Garypie

bcc

Subject Re: Briefing on the Dow Superfund Agreement

Please use this version. Thanks.



CERCLA AOC RCRA Waiver Reservation & Deferral MemorandumFinal10-6-09.pdf

---

To All:

Attached please find a briefing document prepared for tomorrow's LCD & ORC briefing on the Dow CERCLA AOC. Thanks.

-John

Antoinette Hall

FYI, attachment prepared by John Stek...

10/06/2009 11:33:42 AM

From: Antoinette Hall/R5/USEPA/US  
To: Gregory Rudloff/R5/USEPA/US@EPA, John Steketee/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA, Margaret Guerriero/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA, Wendy Carney/R5/USEPA/US@EPA  
Date: 10/06/2009 11:33 AM  
Subject: Briefing on the Dow Superfund Agreement

---

FYI, attachment prepared by John Steketee.

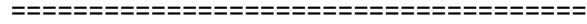
Thanks

[attachment "CERCLA AOC RCRA Authority Waiver & Off-Site Corrective Action Deferral Memorandum10-6-09.doc" deleted by John Steketee/R5/USEPA/US]

=====  
Antionette Hall, Division APA  
Land and Chemicals Division, Immediate Office  
U.S. Environmental Protection Agency  
77 W. Jackson Boulevard  
Mailcode: L-8J  
Chicago, IL 60604  
Ph: (312) 886-0220



Fax: (312) 582-5843



R-1115-10-Ex-759  
05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Antoinette Hall

10/06/2009 03:36 PM

cc Gregory Rudloff, Jose Cisneros, Leverett Nelson, Margaret Guerriero, Mary Logan, Wendy Carney, Bertram Frey, Eric Cohen, Leverett Nelson, Stephen Mendoza, Mark Palermo, Robert Kaplan, Jeff Cahn, Catherine Garypie

bcc

Subject Re: Briefing on the Dow Superfund Agreement

To All:

Attached please find a briefing document prepared for tomorrow's LCD & ORC briefing on the Dow CERCLA AOC. Thanks.

-John



CERCLA & AOC RCRA Authority Waiver & Off-Site Corrective Action Deferral Memorandum10-7-09DraftVersion2.pdf

Antoinette Hall

FYI, attachment prepared by John Stek...

10/06/2009 11:33:42 AM

From: Antoinette Hall/R5/USEPA/US  
To: Gregory Rudloff/R5/USEPA/US@EPA, John Steketee/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA, Margaret Guerriero/R5/USEPA/US@EPA, Mary Logan/R5/USEPA/US@EPA, Wendy Carney/R5/USEPA/US@EPA  
Date: 10/06/2009 11:33 AM  
Subject: Briefing on the Dow Superfund Agreement

FYI, attachment prepared by John Steketee.

Thanks

[attachment "CERCLA AOC RCRA Authority Waiver & Off-Site Corrective Action Deferral Memorandum10-6-09.doc" deleted by John Steketee/R5/USEPA/US]

=====  
Antionette Hall, Division APA  
Land and Chemicals Division, Immediate Office  
U.S. Environmental Protection Agency  
77 W. Jackson Boulevard  
Mailcode: L-8J  
Chicago, IL 60604  
Ph: (312) 886-0220  
Fax: (312) 582-5843  
=====

R-1115-10-Ex-584

05-FOI-01115-10

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

John Steketee/R5/USEPA/US  
07/28/2009 11:38 AM

To Bertram Frey, Eric Cohen, Leverett Nelson, Stephen Mendoza, Mark Palermo, Robert Kaplan, Jeff Cahn, Catherine Garypie  
cc  
bcc  
Subject Fw: USEPA\_MDEQ Area of Concern SR SB Definition\_ USEPA and MDEQ AOC program

----- Forwarded by John Steketee/R5/USEPA/US on 07/28/2009 11:38 AM -----

From: Gregory Rudloff/R5/USEPA/US  
To: John Steketee  
Date: 07/28/2009 11:27 AM  
Subject: Fw: USEPA\_MDEQ Area of Concern SR SB Definition\_ USEPA and MDEQ AOC program

---

----- Forwarded by Gregory Rudloff/R5/USEPA/US on 07/28/2009 11:26 AM -----

"Howe, Cheryl (DEQ)"  
<HOWEC@michigan.gov>  
07/28/2009 10:58 AM

To

Subject

*Ex. 5 Attorney Work Product*

FYI.

---

**From:** Ostaszewski, Arthur (DEQ)  
**Sent:** Tuesday, July 28, 2009 11:23 AM  
**To:** Howe, Cheryl (DEQ); Cavanaugh, Kathleen  
**Cc:** Taylor, Al (DEQ); Montgomery, Delores (DEQ); Buda, Steve (DEQ); MacKenzie-Taylor, Deb (DEQ); 'ostaszea.michigan.gov@gmail.com'  
**Subject:** FW: *Ex. 5 Attorney Work Product*

Kathy,

*Ex. 5 Attorney Work Product*

Art

---

**From:** Ostaszewski, Arthur (DEQ)  
**Sent:** Thursday, July 16, 2009 12:09 PM



R-1115-10-Ex-492

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

05/04/2009 12:12 PM

To Bertram Frey, Leverett Nelson, Eric Cohen, Stephen Mendoza, Mark Palermo, Robert Kaplan, Jeff Cahn, Catherine Garypie

cc

bcc

Subject Fw: Quick Action Needed: Draft EPA Response on sediment traps in Saginaw River

----- Forwarded by John Steketee/R5/USEPA/US on 05/04/2009 12:12 PM -----

From: Kenneth Westlake/R5/USEPA/US

To: John Steketee/R5/USEPA/US@EPA

Cc: David Cowgill/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, Wendy Carney/R5/USEPA/US@EPA

Date: 05/04/2009 12:09 PM

Subject: Re: Fw: Quick Action Needed: Draft EPA Response on sediment traps in Saginaw River

Wendy,

*Ex. 5 Attorney Work Product*

Ken

John Steketee/R5/USEPA/US

John

Steketee/R5/USEPA/US

05/04/2009 11:54 AM

To Wendy Carney/R5/USEPA/US@EPA

cc Jose Cisneros/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA, Kenneth Westlake/R5/USEPA/US@EPA, David Cowgill/R5/USEPA/US@EPA

Subject Re: Fw: Quick Action Needed: Draft EPA Response on sediment traps in Saginaw River

Confidential Communication/Privileged/FOIA Exempt

Wendy:

*Ex. 5 Attorney Work Product*



[REDACTED]

*Ex. 5 Attorney Work Product*

[REDACTED]

Thank you for your interest in this issue.

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

----- Forwarded by Bharat Mathur/R5/USEPA/US on 04/29/2009 02:22 PM -----

From: michdave@aol.com  
To: CHESTERS@michigan.gov, Bharat Mathur/R5/USEPA/US@EPA, ruswickf@michigan.gov, Robert Kaplan/R5/USEPA/US@EPA  
Cc: BRUCHMAG@michigan.gov, TAYLORAB@michigan.gov, Gregory Rudloff/R5/USEPA/US@EPA  
Date: 04/29/2009 11:43 AM  
Subject: Sediment traps

---

Gentlemen:

In an EPA memo dated 11/02/07 from Gary Guiezian he states: “ It appears that the entire upper Saginaw River has unacceptably high levels of dioxin and dioxin-like compounds.

In another memo to MDEQ in 2007 EPA Region V is requesting that MDEQ expedite the corrective action schedule on a number of items which include characterizing the Saginaw River by the end of 2008 and installation of sediments traps in 2008.

Talk about dropping the ball. The state rolls over unable to enforce RCRA and EPA walks away from the Saginaw River and the corrective action process in the federal RCRA license—it will be dealt with later. In the meantime, while looking for another avenue for Dow to create more delays, dioxin contaminated sediments continue to migrate unabated to Lake Huron.

In 2006 Lone Tree Council sent a satellite image of the Saginaw River sediment plume in the Saginaw Bay—we were told it would be addressed. Sediment traps have been discussed at

public meetings and Dow and MDEQ have been back and forth on the work plans and implementation of these traps as an interim response under RCRA. Of course Dow doesn't think the traps are needed so they are not likely to come to fruition. And for the time being, in=20 violation of RCRA, the entire Saginaw River and Bay is not being addressed.

In two weeks the ACOE navigational dredging will commence and stir up sediments and suspend dioxins and other contaminants which will enhance turbidity and accelerate depositions to Lake Huron's Saginaw Bay. Are your agencies going to permit this to happen? If so. Why? Please explain why the sediment traps are not being mandated as an interim response? Why are they no longer important?

Regards,

Michelle Hurd Riddick  
Lone Tree Council

---

[Big savings on Dell XPS Laptops and Desktops!](#)



R-1115-10-Ex-358

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Darlene Weatherspoon

12/11/2008 09:03 AM

cc

bcc

Subject Regional Counsel Pre-Briefing for Dow RA Briefing on ACOE  
Dredge Materials Disposal Facility, Saginaw MI

Darelene:

Bob would like to be pre-briefed sometime this afternoon concerning issue related to the ACOE DMDF in Saginaw, Michigan, in preparation for an RA briefing on Tuesday. I am available all afternoon. Just let me know what time he would like to meet. It should take about 1/2 hour at the most. Here is a copy of the briefing memo for the RA on the relevant issues. Thanks.

-John



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

R-1115-10-Ex-745  
05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Gregory Rudloff

10/05/2009 10:56 AM

cc

bcc

Subject Dow -- Copy of Draft CERCLA AOC RCRA Authority Waiver  
& Off-Site Corrective Action Deferral Memorandum --  
Confidential Communication/Privileged/FOIA Exempt



CERCLA AOC RCRA Authority Waiver & Off-Site Corrective Action Deferral Memorandum10-6-09.doc

R-1115-10-Ex-437

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To John Steketee

02/19/2009 01:48 PM

cc

bcc

Subject



EPA to MDEQ Midland Presumptive Remedy LetterORC Version 2 2-12-2009.doc Settlement.Priv.MEMO.FIN.d.7-19-07.pdf



RCRA Permit Mod Memo 12-12-07.pdf

R-1115-10-Ex-520

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

06/11/2009 11:08 AM

To Leverett Nelson, Jeff Cahn, Catherine Garypie, Wendy Carney

cc

bcc

Subject

*Ex. 5 Attorney Work Product*

To All:

Please review the attached draft document asap. I would like to send it out by COB today, because I will not be working tomorrow and we should allow for enough time for MDEQ to review it before our call on Monday. Rett -- if you could add some language to the last paragraph re: reliance upon a incorporation by reference that would be greatly appreciated. Thanks.

-John



*Ex. 5 Attorney Work Product*

R-1115-10-Ex-521  
05-FOI-01115-10

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

John Steketee/R5/USEPA/US  
06/11/2009 12:44 PM

To Leverett Nelson, Jeff Cahn, Catherine Garypie, Wendy Carney  
cc  
bcc  
Subject

*Ex. 5 Attorney Work Product*

Please review this version. Sorry for the moving target. *There are all these little brain things going on in my head.*



*Ex. 5 Attorney Work Product*

---

To All:

Please review the attached draft document asap. I would like to send it out by COB today, because I will not be working tomorrow and we should allow for enough time for MDEQ to review it before our call on Monday. Rett -- if you could add some language to the last paragraph re: reliance upon a incorporation by reference that would be greatly appreciated. Thanks.

-John



*Ex. 5 Attorney Work Product*

R-1115-10-Ex-423

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Leverett Nelson

01/26/2009 12:34 PM

cc

bcc

Subject Dow -- Draft EPA HQ Briefing Memo

Rett:

*Ex. 5 Attorney Work Product*

Thanks.

-John

R-1115-10-Ex-523

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Leverett Nelson

06/11/2009 04:41 PM

cc

bcc

Subject Dow -- Draft Recitation Document

Any thoughts on incorporation by reference language? I would like to finalize the doc. and send out today. Thanks.

R-1115-10-Ex-424  
05-FOI-01115-10

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

John Steketee/R5/USEPA/US  
01/26/2009 02:27 PM

To Leverett Nelson  
cc  
bcc

Subject Re: Dow -- Draft EPA HQ Briefing Memo

Leverett Nelson/R5/USEPA/US

Leverett  
Nelson/R5/USEPA/US  
01/26/2009 01:33 PM

To John Steketee/R5/USEPA/US@EPA  
cc  
Subject Re: Dow -- Draft EPA HQ Briefing Memo 📎

Definitely.

[REDACTED]

*Ex. 5 Attorney Work Product*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sure.

-Rett

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US  
01/26/2009 12:34 PM

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



Subject Dow -- Draft EPA HQ Briefing Memo

Rett:

[REDACTED]

*Ex. 5 Attorney Work Product*

Thanks.

-John

R-1115-10-Ex-315

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Leverett Nelson

10/20/2008 08:14 PM

cc Catherine Garypie, Jeff Cahn, Robert Kaplan

bcc Gregory Rudloff

Subject Re: Dow

Confidential Communication/Privileged/FOIA Exempt

To All:

[Redacted]

[Redacted]

[Redacted]

*Ex. 5 Attorney Work Product*

[Redacted]

[Redacted]

Thanks.

-John

Leverett Nelson/R5/USEPA/US

Leverett  
Nelson/R5/USEPA/US

10/20/2008 06:27 PM

To Robert Kaplan/DC/USEPA/US@EPA

To

cc John Steketee/R5/USEPA/US@EPA, Jeff  
Cahn/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA

John Steketee/R5/USEPA/US@EPA, Jeff  
Cahn/R5/USEPA/US@EPA, Catherine  
Garypie/R5/USEPA/US@EPA

bcc

Fax to

Subject Dow

CONFIDENTIAL

DO NOT SHARE

FOIA EXEMPT

Bob:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Ex. 5 Attorney Work Product*

[REDACTED]

[Redacted]

*Ex. 5 Attorney Work Product*

Please call me or the team if you have questions.

R-1115-10-Ex-12  
05-FOI-01115-10

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

John Steketee/R5/USEPA/US  
06/04/2008 09:07 AM

To Leverett Nelson  
cc Gregory Rudloff, Robert Kaplan  
bcc  
Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance

We did produce something similar, but it is my understanding that Margaret wants some additional analysis, but I defer to Greg as to what she wants as I was not privy to the conversation.

Leverett Nelson/R5/USEPA/US

Leverett  
Nelson/R5/USEPA/US  
06/04/2008 09:04 AM

To John Steketee/R5/USEPA/US@EPA  
cc Gregory Rudloff/R5/USEPA/US@EPA, Robert Kaplan/R5/USEPA/US@EPA  
Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance 📎

I'm happy to assist Greg on this. Why do I think that we have already prepared such a memo? Greg, if you could get me that old memo, I can update it.

-Rett

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US  
06/04/2008 08:25 AM

To Robert Kaplan/R5/USEPA/US@EPA  
cc Leverett Nelson/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA

Subject Dow -- Senate EPW IR Response -- Request for Assistance

Clarification -- Margaret asked Greg to produce the memo, however, typically this would be tasked to ORC or completed with ORC assistance. That said, I still don't have the time to work on this assignment this week.

---

Bob:

Per your offer, I am requesting the following assistance in the Dow Senate EPW IR Response matter. Margaret has requested a legal memorandum, setting forth various enforcement

options/authorities under RCRA to be used in the Dow matter, prior to the briefing with Bahart on Friday (10:00 am to 11:00 am). This is not something I can produce this week given the privilege review that must be conducted on the Senate EPW IR Response. If you could assign this matter to another ORC attorney or secure an extension from LCD on the memo, this would be greatly appreciated. That said, per Margaret's request I will make time to participate (by phone) in the RA briefing on Friday. Thanks.

-John

R-1115-10-Ex-376

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Peter Stokely

12/18/2008 10:24 AM

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 Arsenaault, 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 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 DeVicario, Mark Mahoney, Mark Ryan, Marvin Benton, Mary Butterwick, Melissa Gebien, Michael Boydston, Michael Szerlog, Mike Fisher, Mike Wylie, Monica Heimdal, 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

bcc

Subject

*Ex. 5 Attorney Work Product*

To All:

*Ex. 5 Attorney Work Product*

*Ex. 5 Attorney Work Product*

Thanks.

-John



R-1115-10-Ex-14  
05-FOI-01115-10


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

John Steketee/R5/USEPA/US  
06/04/2008 09:08 AM

To Robert Kaplan  
cc  
bcc  
Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance

ok. When are you available.  
Robert Kaplan/R5/USEPA/US

Robert Kaplan/R5/USEPA/US  
06/04/2008 09:06 AM

To John Steketee/R5/USEPA/US@EPA  
cc  
Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance 

John, let's talk today. I will talk to Margaret abt deadline. This should be a longer term project.

Bob

----- BlackBerry Wireless

John Steketee

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

**From:** John Steketee  
**Sent:** 06/04/2008 08:15 AM CDT  
**To:** Robert Kaplan  
**Cc:** Leverett Nelson; Gregory Rudloff  
**Subject:** Dow -- Senate EPW IR Response -- Request for Assistance

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-John



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

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

Leverett Nelson/R5/USEPA/US

To John Steketee

06/04/2008 09:04 AM

cc Gregory Rudloff, Robert Kaplan

bcc

Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance

I'm happy to assist Greg on this. Why do I think that we have already prepared such a memo? Greg, if you could get me that old memo, I can update it.

-Rett

John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US

06/04/2008 08:25 AM

To Robert Kaplan/R5/USEPA/US@EPA

cc Leverett Nelson/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA

Subject Dow -- Senate EPW IR Response -- Request for Assistance

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-John

R-1115-10-Ex-11  
05-FOI-01115-10

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

Robert Kaplan/R5/USEPA/US  
06/04/2008 09:06 AM

To John Steketee

cc

bcc

Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance

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----- BlackBerry Wireless

John Steketee

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

**From:** John Steketee

**Sent:** 06/04/2008 08:15 AM CDT

**To:** Robert Kaplan

**Cc:** Leverett Nelson; Gregory Rudloff

**Subject:** Dow -- Senate EPW IR Response -- Request for Assistance

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-John

R-1115-10-Ex-15  
05-FOI-01115-10

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

Robert Kaplan/R5/USEPA/US  
06/04/2008 09:19 AM

To John Steketee

cc

bcc

Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance

I've spoken to Margaret. We are now trying to move the mtg. Bob

----- BlackBerry Wireless

John Steketee

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

**From:** John Steketee  
**Sent:** 06/04/2008 09:08 AM CDT  
**To:** Robert Kaplan  
**Subject:** Re: Dow -- Senate EPW IR Response -- Request for Assistance

ok. When are you available.  
Robert Kaplan/R5/USEPA/US

Robert Kaplan/R5/USEPA/US  
06/04/2008 09:06 AM

To John Steketee/R5/USEPA/US@EPA

cc

Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance 📎

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----- BlackBerry Wireless

John Steketee

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

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**Sent:** 06/04/2008 08:15 AM CDT  
**To:** Robert Kaplan  
**Cc:** Leverett Nelson; Gregory Rudloff  
**Subject:** Dow -- Senate EPW IR Response -- Request for Assistance

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-John

R-1115-10-Ex-13  
05-FOI-01115-10

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

Robert Kaplan/R5/USEPA/US  
06/04/2008 09:08 AM

To Leverett Nelson, John Steketee  
cc Gregory Rudloff  
bcc  
Subject Re: Dow -- Senate EPW IR Response -- Request for Assistance

Jeff C. did an enforcement options memo last year. Will talk to Margaet abt deadline. Bob

----- BlackBerry Wireless

Leverett Nelson

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

**From:** Leverett Nelson  
**Sent:** 06/04/2008 09:04 AM CDT  
**To:** John Steketee  
**Cc:** Gregory Rudloff; Robert Kaplan  
**Subject:** Re: Dow -- Senate EPW IR Response -- Request for Assistance

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John Steketee/R5/USEPA/US

John Steketee/R5/USEPA/US  
06/04/2008 08:25 AM

To Robert Kaplan/R5/USEPA/US@EPA  
cc Leverett Nelson/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA

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-John