

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)  
U.S. Environmental Protection Agency  
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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 Work Product*

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.

Jeffrey A. Cahn, Associate Regional Counsel  
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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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Jeffrey A. Cahn, Associate Regional Counsel  
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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 -  
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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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  
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Subject Re: Dow/Midland Superfund Cleanup and Bay City RCRA  
work - CONFIDENTIAL 

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Jeffrey A. Cahn, Associate Regional Counsel  
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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 -  
CONFIDENTIAL

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Jeffrey A. Cahn, Associate Regional Counsel  
Office of Regional Counsel (Mail Code C-14J)  
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77 West Jackson Blvd.  
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PH: 312-886-6670  
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R-1115-10-Ex-634  
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 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  
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

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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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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 - 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 Work Product*

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email: [cahn.jeff@epa.gov](mailto:cahn.jeff@epa.gov)

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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

*Ex. 5 Attorney Client*

----- 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:

*Ex. 5 Attorney Client*

----- 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 Client*

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:**

*Ex. 5 Attorney Client*

Kathy,

*Ex. 5 Attorney Client*

Art

---

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

**To:** Taylor, Al (DEQ)

**Cc:** Montgomery, Delores (DEQ); MacKenzie-Taylor, Deb (DEQ); Howe, Cheryl (DEQ); Buda, Steve (DEQ); 'ostaszea.michigan.gov@gmail.com'

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

Al,

[REDACTED]

[REDACTED]

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

-AO



[REDACTED] *Ex. 5 Attorney Client*





USEPA, Region 5 [C-14J]  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Tel: (312) 886-0558  
Fax: (312) 582-5888  
E-mail: "steketee.john@epa.gov"

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**DELIBERATIVE PROCESS/PRIVILEGED/ENFORCEMENT CONFIDENTIAL COMMUNICATION**

---

Attached is DEQ's redline of the AOC and the proposed License Modification (Appendix E).

Kathy Cavanaugh  
Assistant Attorney General  
ENRA Division  
517-373-7540  
cavanaughk@michigan.gov



- DOW AOC for RI FS RD 07 27 09 DEQ.rtf



- dow license mod 7 27 09.doc

R-1115-10-Ex-581

05-FOI-01115-10

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

Gregory  
Rudloff/R5/USEPA/US  
07/27/2009 09:59 AM

To Margaret Guerriero, Allen Melcer  
cc Hak Cho, Jose Cisneros, John Steketee  
bcc

Subject Re: Fw: Time critical Fw: LCD input for RA Briefing Book -  
due 7/27/09

Below is a revised write up for Dow. I assume that SF will cover the negotiations in more detail.

#### Dow Midland Facility

Dow Chemical's Midland, MI, facility is a 1,900-acre chemical plant that discharged dioxin and other contaminants into the Saginaw Bay Watershed, with contamination extending more than 50 miles into Saginaw Bay. Dioxins have been detected as high as 110,000 ppt. Under the terms of a RCRA Permit issued by the State of Michigan, Dow has completed characterization of most of the Tittabawassee River. Also, Dow has completed installation of a Bank Stabilization Pilot Project for contaminated river bank soils at four locations along the Tittabawassee River. In addition, Dow completed the removal of recently discovered dioxin contaminated waste along the bank of the Tittabawassee River adjacent to the Dow Midland facility. Currently, a presumptive remedy for the City of Midland has been proposed by Dow, and is under discussion with MDEQ and EPA. Additional work is expected during 2009 at several locations in the Tittabawassee River adjacent to the Dow plant site. Further corrective action activities for the Tittabawassee and Saginaw Rivers are on hold pending the outcome of negotiations between EPA and Dow for a Superfund Agreement to complete corrective action activities for the rivers. In addition, EPA and the Michigan Department of Community Health are in a partnership with the Saginaw County Public Health Department and others to ensure that vulnerable populations are better informed and more aware of potential risks associated with fish consumption from the Tittabawassee and Saginaw Rivers and Saginaw Bay.

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  
Hak Cho/R5/USEPA/US

Hak Cho/R5/USEPA/US  
07/22/2009 02:30 PM

To Gregory Rudloff/R5/USEPA/US@EPA, Gary  
Victorine/R5/USEPA/US@EPA  
cc Jose Cisneros/R5/USEPA/US@EPA

Subject Fw: Time critical Fw: LCD input for RA Briefing Book - due  
7/27/09

Greg/Gary,

I'm forwarding Allen's email below as an FYI. It affects to your regular/time critical updates on Dow briefing paper and GM Bankruptcy status and BF.

Thanks, Hak

----- Forwarded by Hak Cho/R5/USEPA/US on 07/22/2009 02:22 PM -----

Allen Melcer/R5/USEPA/US  
07/22/2009 12:43 PM

To Allen Melcer/R5/USEPA/US@EPA, Jerri-Anne  
Garl/R5/USEPA/US@EPA, Jose  
Cisneros/R5/USEPA/US@EPA, Mardi  
Klevs/R5/USEPA/US@EPA, Margaret  
Guerriero/R5/USEPA/US@EPA, Willie  
Harris/R5/USEPA/US@EPA, Julie  
Magee/R5/USEPA/US@EPA  
cc Mary Setnicar/R5/USEPA/US@EPA, George  
Hamper/R5/USEPA/US@EPA, Dan  
Hopkins/R5/USEPA/US@EPA, Paul  
Little/R5/USEPA/US@EPA, Anton  
Martig/R5/USEPA/US@EPA, Jane  
Ratcliffe/R5/USEPA/US@EPA, Lorna  
Jereza/R5/USEPA/US@EPA, Hak  
Cho/R5/USEPA/US@EPA, Julie  
Magee/R5/USEPA/US@EPA, Thomas  
Crosetto/R5/USEPA/US@EPA, Laura  
Lodisio/R5/USEPA/US@EPA

Subject: Time critical Fw: LCD input for RA Briefing Book - due  
7/27/09

Hi Everybody,

As you will remember, I mentioned that we will need to update the LCD briefing paper for the briefing book for the new RA. Margaret and I have gone over the issues and we would like you to update or create write-ups for the following:

1. Dow - update existing write-up in attached RA briefing paper - focus on the negotiations to turn this over to SF - RRB

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
*Non-responsive*

[Redacted]  
*Non-responsive*

Send your write-ups to me and Margaret by noon this Monday, 7/27.

Allen Melcer

U.S. EPA  
(312) 886-1498  
melcer.allen@epa.gov

----- Forwarded by Allen Melcer/R5/USEPA/US on 07/22/2009 12:27 PM -----

Elissa  
Speizman/R5/USEPA/US  
07/13/2009 11:46 AM

To Margaret Guerriero  
cc Allen Melcer/R5/USEPA/US@EPA

Subject LCD input for RA Briefing Book - due 7/27/09

It's time to start updating the Region 5 RA Briefing Book. While we don't yet have a name or a start date, we can have the new briefing book ready in draft and make any necessary last minute changes as needed.

The format for each division and office is simple: a photo and bio for the director, an org chart and no more than one page of the hottest issues (one paragraph per issue) that a new RA would need to know about right away.

To help you get started I'm attaching LCD's pages from the briefing book prepared for Lynn Buhl in August, 2008. I'm also attaching LCD's pages from Region 5's submission for the EPA Transition Binder. This information was current in February, 2009. I'm not sure that the transition binder information will be of use to you in the current exercise, but am sharing it just in case.

**Please send me the following by July 27:**

- If you want to have a new photo taken, let me know and OPA will schedule a time with you for this.
- If there are any changes to your org chart, please identify them. Org charts are to the branch level.
- Your hot issues. This is different from the weekly hot issues you send to Bharat, Walt and Anne. These are summaries for a new RA of the hottest issues in your organization. Don't worry about format; OPA will edit and format.

Any questions, please let me know.

Thanks.

[attachment "14 LCD photo-org RA Briefing Book.pdf" deleted by Gregory Rudloff/R5/USEPA/US] [attachment "15 LCD issues RA Briefing Book.pdf" deleted by Gregory Rudloff/R5/USEPA/US] [attachment "LCD Transition Binder Piece.pdf" deleted by Gregory

Rudloff/R5/USEPA/US]

R-1115-10-Ex-585

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

To Gregory Rudloff

07/28/2009 03:26 PM

cc

bcc

Subject Dow AOC and License Modification

DRAFT 7/28/2009

Kathy:

*Ex. 5 Attorney Client*

Thanks.

Sincerely,

John P. Steketee  
Associate Regional Counsel  
USEPA, Region 5 [C-14J]  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Tel: (312) 886-0558  
Fax: (312) 582-5888  
E-mail: "steketee.john@epa.gov"

The preceding message (including any attachments) contains information that may be confidential, be protected by attorney work-product, attorney-client or other applicable privileges and may be exempt from disclosure under applicable law. It is intended to be conveyed only to the named recipient(s). If you received this message in error or if you are not the intended recipient, please notify the sender and delete the message from your system. Any use, dissemination, distribution or reproduction of this message by unintended recipients is not authorized and may be unlawful.

DELIBERATIVE PROCESS/PRIVILEGED/ENFORCEMENT CONFIDENTIAL COMMUNICATION

---

Attached is DEQ's redline of the AOC and the proposed License Modification (Appendix E).

Kathy Cavanaugh  
Assistant Attorney General  
ENRA Division  
517-373-7540

cavanaughk@michigan.gov



- DOW AOC for RI FS RD 07 27 09 DEQ.rtf



- dow license mod 7 27 09.doc



R-1115-10-Ex-587

05-FOI-01115-10

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

John Steketee/R5/USEPA/US

07/29/2009 10:54 AM

To "Cavanaugh, Kathleen"

cc "Bruchmann, George (DEQ)", "Buda, Steve (DEQ)",  
Catherine Garypie, Gregory Rudloff, "Howe, Cheryl (DEQ)",  
Jeff Cahn, Leverett Nelson, "Montgomery, Delores (DEQ)",  
"Ruswick, Frank (DEQ)", "Taylor, Al (DEQ)", Bertram Frey,  
Eric Cohen, Leverett Nelson, Stephen Mendoza, Mark  
Palermo, Robert Kaplan, Jeff Cahn, Catherine Garypie, Hak  
Cho, Jose Cisneros

bcc

Subject Re: Dow AOC and License Modification

Confidential Communication/Privileged/FOIA Exempt

July 29, 2009

Kathy:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Ex. 5 Attorney Client*

[REDACTED]

Thanks.

Sincerely,

John P. Steketee  
Associate Regional Counsel  
USEPA, Region 5 [C-14J]  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Tel: (312) 886-0558  
Fax: (312) 582-5888  
E-mail: "steketee.john@epa.gov"

The preceding message (including any attachments) contains information that may be confidential, be protected by attorney work-product, attorney-client or other applicable privileges and may be exempt from disclosure under applicable law. It is intended to be conveyed only to the named recipient(s). If you received this message in error or if you are not the intended recipient, please notify the sender and delete the message from your system. Any use, dissemination, distribution or reproduction of this message by unintended recipients is not authorized and may be unlawful.

DELIBERATIVE PROCESS/PRIVILEGED/ENFORCEMENT CONFIDENTIAL COMMUNICATION

"Cavanaugh, Kathleen" Attached is DEQ's redline of th... 07/27/2009 12:48:29 PM

From: "Cavanaugh, Kathleen" <CavanaughK@michigan.gov>  
To: Catherine Garypie/R5/USEPA/US@EPA, Jeff Cahn/R5/USEPA/US@EPA, Leverett Nelson/R5/USEPA/US@EPA, Gregory Rudloff/R5/USEPA/US@EPA, John Steketee/R5/USEPA/US@EPA  
Cc: "Ruswick, Frank (DEQ)" <RuswickF@michigan.gov>, "Taylor, AI (DEQ)" <TAYLORA@michigan.gov>, "Howe, Cheryl (DEQ)" <HOWEC@michigan.gov>, "Montgomery, Delores (DEQ)" <MONTGOMERYD1@michigan.gov>, "Buda, Steve (DEQ)" <BUDAS@michigan.gov>, "Bruchmann, George (DEQ)" <BRUCHMANNNG@michigan.gov>  
Date: 07/27/2009 12:48 PM  
Subject: Dow AOC and License Modification

---

Attached is DEQ's redline of the AOC and the proposed License Modification (Appendix E).

Kathy Cavanaugh  
Assistant Attorney General  
ENRA Division  
517-373-7540  
cavanaughk@michigan.gov

[attachment "DOW AOC for RI FS RD 07 27 09 DEQ.rtf" deleted by John Steketee/R5/USEPA/US] [attachment "dow license mod 7 27 09.doc" deleted by John Steketee/R5/USEPA/US]

R-1115-10-Ex-490

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Anne Rowan/R5/USEPA/US

05/04/2009 08:31 AM

To colantoni.cyndy, gulezian.gary, karl.richard, Tinka Hyde, newton.cheryl, Margaret Guerriero, Robert Kaplan, Robert Tolpa, MATTHEW MANKOWSKI, Luke Jones, Levester Spearman, MATTHEW MANKOWSKI, Randall Ashe, Alan Walts, canavan.mary, Ronna Beckmann

cc

bcc

Subject Fw: Hot Issues (5/1/09)

**Hot Issues from Divisions and Offices for the week ending May 1, 2009.**

**ARD**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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*Non-responsive*

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*Non-responsive*

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[REDACTED]

*Non-responsive*

**Upcoming Public Meetings**

**EPA To Participate in Tri-Cities MDEQ Dow Dioxin Community Meeting:** On April 1, 2009 EPA (LCD & GLNPO) and the Michigan Department of Community Health launched a partnership with the Saginaw County Public Health Department and three other local organizations to make sure that vulnerable populations are better informed and more aware of any potential risks associated with fish consumption from the Tittabawassee and Saginaw Rivers and Saginaw Bay. Vulnerable populations include women of childbearing years, children and those who rely on local fish for sustenance. EPA provided \$75,000 for the "Fish Smart, Eat Smart" program, which will be more than matched by in-kind contributions from local partners. EPA and MDCH officials will participate in the next Tri-Cities MDEQ Dow Dioxin Community Meeting on May 6, 2009 and will discuss this outreach program in more depth with interested residents. The initiation of this program is especially timely in that the Walleye Festival held in the area along the Tittabawassee and Saginaw Rivers, was held the weekend of April 23, 2009 and provided an opportunity to provide fish contamination information to the public.

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R-1115-10-Ex-506

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Anne Rowan/R5/USEPA/US

05/18/2009 08:52 AM

To karl.richard, Margaret Guerriero, gulezian.gary,  
newton.cheryl, Tinka Hyde, Robert Kaplan, Cyndy Colantoni,  
Alan Walts, Levester Spearman, Robert Tolpa, MATTHEW  
MANKOWSKI, Randall Ashe, Luke Jones, canavan.mary,  
Ronna Beckmann

cc

bcc

Subject Fw: Hot Issues (5/18/09)

## Hot Issues from Divisions and Offices for the week ending May 14.

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Hot Issues 05-14-2009.doc

## LCD

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**EPA & US Army Corps Discuss Operation and Maintenance of Saginaw DMDF**

On May 12, 2009, USEPA Region 5 and US Army Corps of Engineers (USACE) will meet by conference call to discuss the USACE's plans for Operation and Maintenance (O and M) at the Saginaw Dredged Material Disposal Facility (DMDF), MI. In the course of managing the Dow Midland Corrective Action project, the Michigan Department of Environmental Quality (MDEQ) and the USEPA were asked to address community concerns about the construction and use of a large sediment disposal unit constructed by the USACE to store dredged sediment from navigational dredging of the Saginaw and Tittabawasee Rivers. The members of the public who raised the concerns are primarily local residents with property adjacent to the DMDF as well as members of local environmental groups. Concerns to be discussed with the USACE include odors from the dredged materials, attractive nuisance concerns of the standing water in the DMDF and waterfowl, and safety issues concerning structural integrity of the DMDF. The call will be an opportunity to assure that the USACE is aware of these concerns and a chance to hear what both sides can do to address these community concerns.

[REDACTED]

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Hot Issues 05-14-2009.doc

R-1115-10-Ex-943

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

04/05/2010 03:44 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - April 5, 2010

**LAND AND CHEMICALS DIVISION**  
**Significant Activities Report**

[REDACTED]

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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-889

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerriero/R5/USEPA/US  
Sent by: Antoinette Hall

12/21/2009 12:49 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending December 11, 2009

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**December 11, 2009**

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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-891

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

12/23/2009 05:13 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending December 18, 2009

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**December 18, 2009**

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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-929

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

02/19/2010 10:40 AM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending February 12, 2010

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**February 12, 2010**

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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-934

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

03/05/2010 04:13 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending February 26, 2010

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**February 26, 2010**

[REDACTED]

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R-1115-10-Ex-926

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

02/10/2010 01:44 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending February 5, 2010

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**February 5, 2010**

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

R-1115-10-Ex-842

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

11/19/2009 01:42 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending November 13, 2009

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**November 13, 2009**

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*Non-responsive*

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**Dow Chemical Midland, MI Public Meeting**

On November 5, 2009, LCD staff participated in a public meeting in Saginaw, MI on RCRA corrective action activities at and around the Dow Midland, MI facility; the meeting also addressed the Superfund activities being undertaken at the Dow Midland site. Topics covered at the meeting include: cleanup of dioxin debris in and along the Tittabawassee River at one portion of the Dow plant site, investigation of historic outfalls at the Dow plant, repair of a groundwater collection system adjacent to the Tittabawassee River at the Dow plant, bank stabilization pilot projects along the Tittabawassee River, and Dow's proposed presumptive remedy for dioxin contaminated soils in the City of Midland.

Contact: Gregory Rudloff, (312) 886-0455, Remediation and Reuse Branch

[Redacted]

*Non responsive*

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[Redacted]

[Redacted]

[Redacted]

Land and Chemicals Division  
U.S. EPA  
77 W. Jackson, Chicago, IL 60604  
(312)886-0399  
[guerriero.margaret@epa.gov](mailto:guerriero.margaret@epa.gov)

R-1115-10-Ex-831

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

11/13/2009 11:03 AM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending November 6, 2009

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**November 6, 2009**

[REDACTED]

*Non-responsive*

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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-778

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

10/13/2009 09:07 AM

To R5 LCD ALL (EPA & NON-EPA)

cc Alan Walts, Anne Rowan, Bharat Mathur, Cameron Davis,  
Cheryl Newton, Cyndy Colantoni, Elissa Speizman, Gary  
Gulezian, John Mooney, Karen Thompson, Kevin Pierard,  
Levester Spearman, Luke Jones, Mary Canavan, Naimah  
Karim, Patricia Thompson, Richard Karl, Richard Nagle,  
Ronna Beckmann, Ross Tuttle, Shwanda Mayo, Tinka Hyde,  
Walter Kovalick, William Omohundro

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending October 2, 2009

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**October 2, 2009**

[REDACTED]

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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-474

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Margaret  
Guerrero/R5/USEPA/US  
Sent by: Antoinette Hall

04/09/2009 04:06 PM

To R5 LCD ALL (EPA & NON-EPA)

cc Bharat Mathur, Tinka Hyde, Cheryl Newton, Gary Gulezian,  
Richard Karl, Shwanda Mayo, Naimah Karim, Mary Canavan,  
Ronna Beckmann, Elissa Speizman, William Omohundro,  
Luke Jones, Levester Spearman, Walter Kovalick, Cyndy  
Colantoni, Anne Rowan, Alan Walts, Karen Thompson

bcc

Subject Land and Chemicals Division Significant Developments and  
Activities Report - Week Ending April 10, 2009

**LAND AND CHEMICALS DIVISION**  
**Weekly Significant Activities Report**  
**April 10, 2009**

[REDACTED]

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**EPA Region 5 Awards Funds to the Michigan Department of Community Health**  
EPA awarded a grant to the Michigan Department of Community Health (MDCH) in the amount of \$75,000. Through this 18-month project, MDCH will be implementing community-based fish and wild game consumption advisories in the Titabawasee and Saginaw river watersheds at locations with highly elevated chemical contamination and high amounts of local fish consumption by the public. The Michigan Department of Community Health will educate the public and enhance awareness and knowledge of the risks of consuming contaminated fish and wild-game in the

Saginaw and Bay County area.

Contacts: Martha Y. Robinson, 312-886-6141, Program Services Branch and Rafael P. Gonzalez, 312-886-0269, LCD Office of the Director

[Redacted]

[Redacted]

[Redacted]

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*Non-responsive*

[Redacted]

[Redacted]

[Redacted]

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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-486

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Jean  
Hogan-Chereskin/R5/USEPA/  
US

04/30/2009 11:45 AM

To Bharat Mathur, Elissa Speizman, Naimah Karim, Shwanda  
Mayo, Ronna Beckmann, Anne Rowan, Walter Kovalick  
cc Margaret Guerriero, Bruce Sypniewski, Allen Melcer,  
Jerri-Anne Garl, Jose Cisneros, Mardi Klevs, Willie Harris,  
Anton Martig, Dan Hopkins, George Hamper, Hak Cho, Jane  
Ratcliffe, Julie Magee, Laura Lodisio, Lorna Jereza, Margaret  
Millard, Mary Setnicar, Paul Little, Thomas Crosetto,  
Antoinette Hall, Beatrice Daviston, RafaelP Gonzalez, Karen  
Thompson, Mirtha Capiro

bcc

Subject LCD Hot Issues - Week of April 27, 2009

[Projects](#)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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*Non-responsive*

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**EPA To Participate in Tri-Cities MDEQ Dow Dioxin Community Meeting**

On April 1, 2009 EPA (LCD & GLNPO) and the Michigan Department of Community Health launched a partnership with the Saginaw County Public Health Department and three other local organizations to make sure that vulnerable populations are better informed and more aware of any potential risks associated with fish consumption from the Tittabawassee and Saginaw Rivers and Saginaw Bay. Vulnerable populations include women of childbearing years, children and those who rely on local fish for sustenance. EPA provided \$75,000 for the "Fish Smart, Eat Smart" program, which will be more than matched by in-kind contributions from local partners. EPA and MDCH officials will participate in the next Tri-Cities MDEQ Dow Dioxin Community Meeting on May 6, 2009 and will discuss this outreach program in more depth with interested residents. The initiation of this program is especially timely in that the Walleye Festival held in the area along the Tittabawassee and Saginaw Rivers, was held the weekend of April 23, 2009 and provided an opportunity to provide fish contamination information to the public.

Contact: Rafael Gonzalez, 6-0269

[REDACTED]

[REDACTED]

[REDACTED]

*Non-responsive*

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R-1115-10-Ex-582  
05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

John Steketee/R5/USEPA/US  
07/27/2009 10:38 AM

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

cc

bcc

Subject Fw: Time critical Fw: LCD input for RA Briefing Book - due  
7/27/09

----- Forwarded by John Steketee/R5/USEPA/US on 07/27/2009 10:38 AM -----

From: Gregory Rudloff/R5/USEPA/US  
To: Margaret Guerriero/R5/USEPA/US@EPA, Allen Melcer/R5/USEPA/US@EPA  
Cc: Hak Cho/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, John Steketee  
Date: 07/27/2009 09:59 AM  
Subject: Re: Fw: Time critical Fw: LCD input for RA Briefing Book - due 7/27/09

---

Below is a revised write up for Dow. I assume that SF will cover the negotiations in more detail.

#### Dow Midland Facility

Dow Chemical's Midland, MI, facility is a 1,900-acre chemical plant that discharged dioxin and other contaminants into the Saginaw Bay Watershed, with contamination extending more than 50 miles into Saginaw Bay. Dioxins have been detected as high as 110,000 ppt. Under the terms of a RCRA Permit issued by the State of Michigan, Dow has completed characterization of most of the Tittabawassee River. Also, Dow has completed installation of a Bank Stabilization Pilot Project for contaminated river bank soils at four locations along the Tittabawassee River. In addition, Dow completed the removal of recently discovered dioxin contaminated waste along the bank of the Tittabawassee River adjacent to the Dow Midland facility. Currently, a presumptive remedy for the City of Midland has been proposed by Dow, and is under discussion with MDEQ and EPA. Additional work is expected during 2009 at several locations in the Tittabawassee River adjacent to the Dow plant site. Further corrective action activities for the Tittabawassee and Saginaw Rivers are on hold pending the outcome of negotiations between EPA and Dow for a Superfund Agreement to complete corrective action activities for the rivers. In addition, EPA and the Michigan Department of Community Health are in a partnership with the Saginaw County Public Health Department and others to ensure that vulnerable populations are better informed and more aware of potential risks associated with fish consumption from the Tittabawassee and Saginaw Rivers and Saginaw Bay.

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  
Hak Cho/R5/USEPA/US

Hak Cho/R5/USEPA/US  
07/22/2009 02:30 PM

To Gregory Rudloff/R5/USEPA/US@EPA, Gary  
Victorine/R5/USEPA/US@EPA

cc Jose Cisneros/R5/USEPA/US@EPA

Subject Fw: Time critical Fw: LCD input for RA Briefing Book - due 7/27/09

Greg/Gary,

I'm forwarding Allen's email below as an FYI. It affects to your regular/time critical updates on Dow briefing paper and GM Bankruptcy status and BF.

Thanks, Hak

----- Forwarded by Hak Cho/R5/USEPA/US on 07/22/2009 02:22 PM -----

Allen Melcer/R5/USEPA/US  
07/22/2009 12:43 PM

To Allen Melcer/R5/USEPA/US@EPA, Jerri-Anne  
Garl/R5/USEPA/US@EPA, Jose  
Cisneros/R5/USEPA/US@EPA, Mardi  
Klevs/R5/USEPA/US@EPA, Margaret  
Guerrero/R5/USEPA/US@EPA, Willie  
Harris/R5/USEPA/US@EPA, Julie  
Magee/R5/USEPA/US@EPA  
cc Mary Setnicar/R5/USEPA/US@EPA, George  
Hamper/R5/USEPA/US@EPA, Dan  
Hopkins/R5/USEPA/US@EPA, Paul  
Little/R5/USEPA/US@EPA, Anton  
Martig/R5/USEPA/US@EPA, Jane  
Ratcliffe/R5/USEPA/US@EPA, Lorna  
Jereza/R5/USEPA/US@EPA, Hak  
Cho/R5/USEPA/US@EPA, Julie  
Magee/R5/USEPA/US@EPA, Thomas  
Crosetto/R5/USEPA/US@EPA, Laura  
Lodisio/R5/USEPA/US@EPA

Subject Time critical Fw: LCD input for RA Briefing Book - due 7/27/09

Hi Everybody,

As you will remember, I mentioned that we will need to update the LCD briefing paper for the briefing book for the new RA. Margaret and I have gone over the issues and we would like you to update or create write-ups for the following:

1. Dow - update existing write-up in attached RA briefing paper - focus on the negotiations to turn this over to SF - RRB

Non-responsive

[REDACTED]

[REDACTED]

*Non-responsive*

[REDACTED]

Send your write-ups to me and Margaret by noon this Monday, 7/27.

Allen Melcer  
U.S. EPA  
(312) 886-1498  
melcer.allen@epa.gov

----- Forwarded by Allen Melcer/R5/USEPA/US on 07/22/2009 12:27 PM -----

Elissa  
Speizman/R5/USEPA/US  
07/13/2009 11:46 AM

To Margaret Guerriero  
cc Allen Melcer/R5/USEPA/US@EPA

Subject LCD input for RA Briefing Book - due 7/27/09

It's time to start updating the Region 5 RA Briefing Book. While we don't yet have a name or a start date, we can have the new briefing book ready in draft and make any necessary last minute changes as needed.

The format for each division and office is simple: a photo and bio for the director, an org chart and no more than one page of the hottest issues (one paragraph per issue) that a new RA would need to know about right away.

To help you get started I'm attaching LCD's pages from the briefing book prepared for Lynn Buhl in August, 2008. I'm also attaching LCD's pages from Region 5's submission for the EPA Transition Binder. This information was current in February, 2009. I'm not sure that the transition binder information will be of use to you in the current exercise, but am sharing it just in case.

**Please send me the following by July 27:**

- If you want to have a new photo taken, let me know and OPA will schedule a time with you for this.
- If there are any changes to your org chart, please identify them. Org charts are to the branch level.
- Your hot issues. This is different from the weekly hot issues you send to Bharat, Walt and Anne. These are summaries for a new RA of the hottest issues in your organization. Don't worry about format; OPA will edit and format.



Any questions, please let me know.

Thanks.

[attachment "14 LCD photo-org RA Briefing Book.pdf" deleted by Gregory Rudloff/R5/USEPA/US] [attachment "15 LCD issues RA Briefing Book.pdf" deleted by Gregory Rudloff/R5/USEPA/US] [attachment "LCD Transition Binder Piece.pdf" deleted by Gregory Rudloff/R5/USEPA/US]

R-1115-10-Ex-939

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Uylaine  
Barringer/R5/USEPA/US  
03/17/2010 01:26 PM

To Gregory Rudloff  
cc Mark Messersmith  
bcc

Subject Fw: Compliance Screen Request

Greg

[Redacted]

[Redacted]

[Redacted]

[Redacted]

*Ex. 5 Enforcement* [Redacted]

[Redacted]

Uylaine

----- Forwarded by Uylaine Barringer/R5/USEPA/US on 03/17/2010 01:06 PM -----

Re: Compliance Screen Request 

Jose Cisneros to: Uylaine Barringer

03/17/2010 11:14 AM

---

That's fine. Hopefully, you are aware that we have a corrective action taking place at the Dow Midland site with both on site and off site contamination being tracked. The site is being jointly overseen by MDNRE, our Superfund program and RCRA CA(Gregory Rudloff of my staff).

Thanks,  
Joe

6-6945

Uylaine Barringer    Mark Mary Setnicar is the acting RC...    03/17/2010 10:53:57 AM

From: Uylaine Barringer/R5/USEPA/US  
To: Mark Messersmith/R5/USEPA/US@EPA  
Cc: Claudia Niess/R5/USEPA/US@EPA, George Czerniak/R5/USEPA/US@EPA, James Coleman/R5/USEPA/US@EPA, JAMES ENTZMINGER/R5/USEPA/US@EPA, Jose Cisneros/R5/USEPA/US@EPA, Lisa Holscher/R5/USEPA/US@EPA, Lisa Perenchio/R5/USEPA/US@EPA, MARK HORWITZ/R5/USEPA/US@EPA, Raymond Urchel/R5/USEPA/US@EPA, Mary Setnicar/R5/USEPA/US@EPA  
Date: 03/17/2010 10:53 AM  
Subject: Re: Compliance Screen Request

---

Mark

Mary Setnicar is the acting RCRA Branch Chief for the next 120 day.

Joe I will conduct this RCRA compliance screening your program if that is OK with you.

Uylaine

Compliance Screen Request

Compliance Screen Request 

Mark Messersmith to: Claudia Niess, George Czerniak, James Coleman, JAMES ENTZMINGER, Jose Cisneros, Lisa Holscher, Lisa Perenchio, MARK HORWITZ, Raymond Urchel, Uylaine Barringer    03/17/2010 10:34 AM

---

Compliance Screeners,

[REDACTED]

*Ex. 5 Enforcement*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Ex. 5 Enforcement*

[attachment "Comp Screen Form.dot" deleted by Jose Cisneros/R5/USEPA/US]

Mark Messersmith  
Office of Enforcement and Compliance Assurance  
U.S. EPA, Region 5  
77 W. Jackson Blvd., E-19J  
Chicago, IL 60604  
Voice: 312-353-2154  
Fax: 312-353-5374

R-1115-10-Ex-941

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

Uylaine  
Barringer/R5/USEPA/US  
03/25/2010 08:14 AM

To Mark Messersmith  
cc Gregory Rudloff, Mary Setnicar  
bcc

Subject Fw: Dow Midland Facility

Mark



*Ex. 5 Enforcement*

Uylaine

----- Forwarded by Uylaine Barringer/R5/USEPA/US on 03/25/2010 08:09 AM -----

Dow Midland Facility

Gregory Rudloff to: Uylaine Barringer

03/24/2010 09:49 AM

---

Here is a summary of corrective action activities for the Dow Midland facility:

Dow Chemical Midland Facility - MID 000 724 724

This site is potentially one of the largest corrective action projects in the country. Significant hazardous chemical (including dioxin) contamination has been identified in Midland, MI, the Tittabawassee and Saginaw watershed and extends over 50 river miles into Saginaw Bay of Lake Huron.

During 2009, under the terms of a RCRA Permit issued by the State of Michigan, Dow completed characterization of most of the floodplain and sediments of the Tittabawassee River. Also, Dow has completed installation of a Bank Stabilization Pilot Project for contaminated river bank soils at four locations along the Upper Tittabawassee River. In addition, Dow completed the removal of recently discovered dioxin contaminated waste along the bank of the Tittabawassee River adjacent to the Dow Midland facility. In January, 2010, authority for corrective action for the Tittabawassee and Saginaw Rivers, and Saginaw Bay was transferred from the state RCRA permit to an Administrative Order on Consent with the EPA Superfund program. Corrective action for the Dow Midland facility and the City of Midland remains with the state RCRA permit.

In 2009, a potential presumptive remedy for the City of Midland has been proposed by Dow. The Michigan Department of Natural Resources and Environment (MDNRE) and EPA reviewed Dow's presumptive remedy workplan and MDNRE provided comments to Dow in October, 2009. Dow submitted a revised workplan in December, 2009. EPA has reviewed the revised workplan and transmitted comments to MDNRE in February 2010. MDNRE is expected to issue an NOD to Dow in March, 2010.

Let me know if you need any additional information. [REDACTED]

[REDACTED]  
*Ex. 5 Enforcement*

Gregory A. Rudloff, P.G.  
Corrective Action Section 1  
Remediation and Reuse Branch  
Land and Chemicals Division  
Region 5, U.S. EPA  
(312) 886-0455  
rudloff.gregory@epa.gov

R-1115-10-Ex-429

05-FOI-01115-10

Release Determination: Ex. 7 - Enforcement

"Allan Taylor"  
<taylora@michigan.gov>  
02/10/2009 03:28 PM

To "Cheryl Howe", "Deborah Mackenzie-Taylor", "Delores  
Montgomery", "Gary Tuma", "George Bruchmann", "Terry  
Walkington", "Trisha Confer"

cc

bcc

Subject Fwd: RE: Status of Monthly data submittal?

*Ex. 5 Enforcement*

Thanks, Al

Al Taylor  
Geology Specialist  
Hazardous Waste Technical Support Unit  
Waste and Hazardous Materials Division  
Michigan Department of Environmental Quality  
517-335-4799

[taylora@michigan.gov](mailto:taylora@michigan.gov)

----- Message from "Baker, Ben (BF)" <bfbaker@dow.com> on Tue, 10 Feb 2009 16:02:54 -0500 -----

**To:** "Allan Taylor" <taylora@michigan.gov>  
"Frank Ruswick" <RUSWICKF@michigan.gov>,  
"George Bruchmann"  
<BruchmannG@michigan.gov>,  
<logan.mary@epa.gov>, "Cochran, Greg (G)"  
<ggcochran@dow.com>,  
**cc:** <Peter.Simon@annarbortechncalservices.com>,  
<Phillip.Simon@annarbortechncalservices.com>,  
"Konechne, Todd (TS)"  
<TSKonechne@dow.com>, "Lucas, Steve (C)"  
<CLucas2@dow.com>

**Subject:** RE: Status of Monthly data submittal?

Al,

ATS is currently completing the figures that will go with the data submittal. Once the figures are complete and Dow has reviewed and approved the submittal, ATS will proceed with the data submittal package. Our target is early next week, but we will submit as soon as possible.

Ben

---

**From:** Allan Taylor [mailto:taylora@michigan.gov]  
**Sent:** Monday, February 09, 2009 5:52 PM  
**To:** Baker, Ben (BF); Peter.Simon@annarbortechanicalservices.com;  
Phillip.Simon@annarbortechanicalservices.com  
**Cc:** Frank Ruswick; George Bruchmann; logan.mary@epa.gov  
**Subject:** RE: Status of Monthly data submittal?

Ben -

Your proposal is not consistent with Dow's approved 2008 sampling and analysis plan which requires "approximately monthly" data submittals. Dow's most recent submittal with respect to the 2008 SAP was on December 12, 2008 and did not contain all of the data from the 2008 field season (dioxins and furans or SCOI data).

During our discussion on January 27, you indicated that the monthly update would be complete and submitted by the end of that week.

Dow will be going on two months as of tomorrow.

I would like to avoid a non-compliance issue here. Please advise.

Al Taylor  
Geology Specialist  
Hazardous Waste Technical Support Unit  
Waste and Hazardous Materials Division  
Michigan Department of Environmental Quality  
517-335-4799  
[taylora@michigan.gov](mailto:taylora@michigan.gov)

>>> "Baker, Ben (BF)" <bfbaker@dow.com> 2/9/2009 10:25 AM >>>

Al,



The next data submittal will be on February 28, 2009 which will include all sample data not previously submitted to MDEQ which were analyzed during the fourth quarter 2008.

Ben