



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV - 9 2009

OFFICE OF
ENVIRONMENTAL INFORMATION

Ms. Antoinette R. Stone
Brown Stone Nimeroff LLC
1818 Market Street, Suite 2300
Philadelphia, PA 19103

Re: Request for Reconsideration (RFR 07003A) of EPA Region V Response to the July 31, 2007, Request for Correction (RFC 07003) submitted by the Muskego Site Groundwater Remediation Group (MSGRG)

Dear Ms. Stone:

This letter is in response to your Request for Reconsideration (RFR #07003A) dated April 14, 2009, under the Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency Information Quality Guidelines (EPA IQG)¹. Your RFR requests that EPA reconsider the EPA Region V response² to the Muskego Site Groundwater Remediation Group (MSGRG) RFC #07003.³ In the RFR, the MSGRG also requests that EPA retract the EPA Memorandum to the File "Responses to Request for Correction for Maps and Modified Maps; Muskego Sanitary Landfill, Muskego, Wisconsin"⁴ (2009 Memo), the revised maps (2009 maps), the Preventative Action Limits (PAL) Exceedances of Selected Contaminants map (PAL map), and the 2007 maps referenced in RFC #07003. The MSGRG also requests that all recipients of these documents be notified of the EPA retraction of these materials.

Consistent with the EPA IQG, EPA convened an executive panel to determine the Agency's response to this RFR. The members of the executive panel consisted of the Acting Economic Advisor⁵; the Acting Science Advisor; and me, the EPA Acting Chief Information Officer.

¹ 67 Federal Reg. 63657 (October 15, 2002)

http://www.epa.gov/quality/informationguidelines/documents/EPA_InfoQualityGuidelines.pdf

² EPA RFC response, January 28, 2008, <http://epa.gov/quality/informationguidelines/documents/07003-response.pdf>

³ RFC 07003, July 2007, <http://epa.gov/quality/informationguidelines/documents/07003-response.pdf>

⁴ EPA Memorandum to File "Responses to Request for Correction for Maps and Modified Maps; Muskego Sanitary Landfill, Muskego, Wisconsin," March 2009

⁵ The panel was convened in June 2009. The Acting Economics Advisor served on the panel because EPA's current Economics Advisor was not appointed until July 2009. The current Economics Advisor did not participate in the panel.

The panel reviewed RFC #07003, RFR #07003A, and all related correspondence and concludes the RFC response is appropriate. We recognize the concerns and limitations raised in your correspondence regarding the modeling and presentation of information. The fact that the maps are now clearly labeled as draft documents should alleviate your concerns. We also note that on June 24, 2009, an additional memorandum, clarifying the earlier memorandum, was added to the file to help lessen any existing confusion regarding the maps you are concerned about.

In the RFC response, EPA Region V mentioned that the ongoing Superfund response action underway for the Muskego Sanitary Landfill site is the appropriate vehicle to address the MSGRG's concerns about the vinyl chloride footprint estimate maps. The recent EPA Memorandum to the File, 2009 maps, PAL map, and 2007 maps were developed for internal EPA use as part of the dialogue between EPA and MSGRG about the ongoing action at the site. The draft maps will be included in the internal EPA Muskego Sanitary Landfill Superfund site file and managed consistent with the legal and policy procedures under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). As the maps are drafts, EPA does not consider them to represent official agency position, and EPA does not endorse the use of these maps for any purposes other than to help inform our internal dialogue and our dialogue with MSGRG. If EPA decides to finalize these draft maps, appropriate agency quality assurance (QA) and pre-dissemination review procedures will be followed. As the action at the MSGRG site has been moving to a new phase including settlement and the possibility of new or amended decision documents being developed, EPA Region V will continue to discuss with the MSGRG the need for and content of new, revised maps. If new footprint maps are created, the appropriate QA procedures for the standard interpolation method (kriging) will be applied. At a minimum, the limitations of any new footprint maps will be documented.

To enhance the transparency of the 2009 Memo, 2009 maps, and the PAL maps, the following changes have been made:

- As mentioned above, a new memorandum to file was drafted to acknowledge that the 2009 memo is not in itself a RFC response, but rather is an interim update on the status of the vinyl chloride footprint estimate maps that attempts to consider some of the issues raised by the RFC;
- Since the 2009 maps and the 2009 PAL map are interim documents, these maps now include the word "draft" on the map. The word "draft" clarifies that these maps are not final and do not reflect official agency opinion;
- Analysis notes and disclaimers have been added to the footprint maps that provide additional information about the data and methodology used to create these maps.

EPA values input from the public on the quality of information it produces and embraces opportunities for improvement. EPA is committed to promoting transparency in our process and providing the public with information that is objective and useful. If you have any questions about our decision on this RFR, please contact Reggie Cheatham at (202) 564-6830.

Sincerely,

A handwritten signature in black ink that reads "Linda A. Travers". The signature is written in a cursive, flowing style.

Linda A. Travers
Acting Assistant Administrator
and Chief Information Officer

cc: Bharat Mathur, Acting Regional Administrator, Region V (R-19J)
Marcia Mulkey, Regional Counsel, Region III (3RC00)
Kevin Teichman, Acting Agency Science Advisor (8101R)
Lisa Heinzerling, Associate Administrator, Office of Policy, Economics and Innovation (1804A)
Reggie Cheatham, Office of Environmental Information (2811R)