

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Peter Wright
Sent: Tue 12/5/2017 2:28:12 AM
Subject: Re: Tittabawassee Matter - Mary Gade

Ryan

I have a call set up with Joe Andrew on Wednesday of this week and Anne for next week. I will let you know how each call goes.

I also received a note from John Cruden reporting on his discussions with you. I will keep working on other letter writers.

Regards,

Peter

> On Dec 4, 2017, at 7:39 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

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> Thanks and thank you for all your work on this. I really do appreciate it. I think we are getting there.

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> I just thought I would check to see if you'd received any contact back from the Andrews. Much appreciated.

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> -----Original Message-----

> From: Peter Wright [mailto:pcw9@mac.com]

> Sent: Sunday, December 3, 2017 9:11 PM

> To: Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: Re: Tittabawassee Matter - Mary Gade

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> Ryan

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> Here is a narrative discussion of the interactions.

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> In mid-2007 (July) Mary Gade initiated a series of CERCLA time critical AOCs to address various spots in an along the Tittabawassee River. She insisted on very short deadlines to negotiate the orders and complete the actions. She did not meet with Dow and did not appear to be following the recommendations of her program staff or attorneys. The State of Michigan had the lead on the River under the RCRA permit's off-site corrective action provisions (the permit was issued in 2003).

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> In September, 2007 she initiated discussions regarding a non-time critical AOC that would guide the remainder of the work on the River. She had the negotiations led by Ralph Dolhopf, the acting Superfund Director of the Region (Rick Karl was on leave). Dolhopf was only an on scene coordinator and so his temporary appointment was up any levels and over many people. Mary Gade never met with Dow but clearly was directing Dolhopf. Twice Dolhopf abruptly ended negotiation sessions (essentially threw us out). The staff called us after the first time to apologize. Dolhopf was abusive in tone and action to the staff. Negotiations with Region 5 on the order broke down over Gade's insistence that Dow agree to a particular paragraph in AOC that would require Dow to implement any work Region 5 directed Dow to do on the River without any kind of limit.

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> We had a very high level meeting with Mary Gade, Ralph Dolhopf and I believe Bob Kaplan (then the Regional Counsel) and Dow's Executive VP for environmental matters (and other things), the Global Remediation Director and myself. She and Dolhopf tried to explain to us why it should be acceptable for Dow to agree to an order that to commit to doing work that neither Dow nor the agency knew what projects the Region would come up with for Dow to do. After some follow up discussions (Bob Kaplan gamely tried to explain how this might be okay for Dow), Region 5 terminated negotiations.

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> Dow wrote to Susan Bodine after Region 5 terminated the negotiations to set the record straight on what happened. Susan invited Dow to a meeting at EPA, which included Dow's executive VP, the Global Remediation Director and myself. Grant Nakayama and Lynn Buhl, his deputy was there. I recall Jim Woolford was there and I think Betsy Sutherland. Mary Gade was there (I cannot recall if Bob Kaplan was) and Steve Chester the MDEQ Director (looking very embarrassed). When we walked in we could see that Mary Gade had a big grin and we learned from Susan, after the meeting started that she decided, as Mary wanted, that MDEQ would continue to control the oversight of the investigation and remediation of the Tittabawassee River. I cannot recall exactly what Susan said to us but Mary Gade weighed in very loud and repeated "Not happening Susan" a couple or three times. It was very rude. She continued to be rude to Susan until the meeting ended. Grant came over to us to give us his card and Mary basically yelled at him from across the conference room. Gade's behavior was very bizarre. I have heard some people refer to this as "the Meeting."

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> I believe after this meeting, but maybe before, then OSWER, tried to get information about the situation and Gade directed people in Region 5 to not cooperate with HQ. This came out in the email EPA submitted in response to FOIA requests from CREW after Gade left EPA.

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> My recollection is that Mary Gade "resigned" from EPA May 1, 2008. There was a big story in the Chicago paper and much other media coverage. I has also heard from different sources that on different floors at EPA Region 5 when Gade's resignation was announced that people broke out signing "Ding Dong the witch is dead."

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> My assumption is that Mary Gade was fired because of her mistreatment of staff and colleagues (some of that was related to the Dow matter) and not because of her treatment of Dow. Her relationship with Ralph Dolhopf, based on the email turned over to CREW (and which a couple of us read) also seems inappropriate.

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> Later in 2008, Dow met with Region 5 (Lynn Buhl replaced Gade) and MDEQ and it was agreed to have EPA take the lead under CERCLA and negotiations on an AOC resumed. They were temporarily halted after the new Administration took office in 2009. The new Administration held meetings in mid-Michigan with Dow, State agencies and elected officials and with activist groups. Lisa Jackson signaled that negotiations would resume in May. Dow, EPA and the State of Michigan ended up executing an AOC effective in January, 2010. This AOC is still in place is the organizing document. Dow and Region 5 have executed 14 AOCs addressing the Tittabawasse and Saginaw rivers.

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> Assuming that I will be asked about this I can say that I do not know why Gade was fired/resigned. I can say some of her actions associated with the Dow matter showed her acting very inappropriately with her colleagues. Dow during this time entered into a series of orders and completed the work and then advocated that EPA because of its considerable expertise and experience should have the lead under CERCLA as is typical for large river matters. Remediation has continued to progress through a series of orders.

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> I would be glad to discuss this with you and this is definitely an area to practice answering questions.

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> Regards,

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> Peter

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>> On Nov 22, 2017, at 9:44 AM, Peter Wright <pcw9@mac.com> wrote:

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>> Ryan

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>> Attached please find a chronology and and some key documents related to the Tittabawassee and Midland matters (the Tittabawassee River runs through the original Dow Chemical plant in Midland). This would be the most controversial matter and the single most publicly successful matter that I have worked

on at Dow. As you will see the high point of the controversy and then the turn around comes at the end of the Bush Administration and beginning of the Obama Administration.

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>> I can provide additional details if you think it would be helpful.

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>> Separately I will send a list and copy of publications and presentations.

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>> Regards,

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>> Peter

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>> <Tittabawassee Dioxin Matter Chronology.docx> <AOC Public Comment

>> Transcript.pdf><dmdf_factsheet_200912.pdf><dowchemical_fs_201007_timel

>> ine[1].pdf><EPA AOC 2 june-17-presentation-200906.pdf><EPA Comments on

>> Revised Dow RIWP Final ADR Confidential Version.pdf><Gade Jan 11

>> Letter-smaller.pdf><june-17-presentation-200906.pdf><Kepler March 4

>> 2008 Bodine letter.pdf><Letter to Susan Bodine-smaller file

>> size.pdf><proposed-aoc-fact-shaeet-final.pdf>

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