

Message

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**From:** Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]  
**Sent:** 6/27/2017 1:57:53 PM  
**To:** Brent de Jong [brent.dejong@castlelake.com]  
**CC:** Mackey, Cyndy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2f2b414786040ee8d75a21fa1c04a9b-Mackey, Cyndy]; Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Walsh, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3adec06d25bf4bd0b8f0a73cccc9cf03-Walsh, Jonathan]; Raack, Pete [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6d9701ac220d4bc8a7623ebe7364742f-Praack]  
**Subject:** RE: Miss Phos - Agenda For Today's MPC Technical Call

Mr. de Jong—

As a follow-up item to your inquiry regarding phosphogypsum re-use, we have reached out to our colleagues in the program offices to discuss next steps for your inquiry. Because phosphogypsum has a radioactivity component, the appropriate office for you to work with is the Office of Radiation and Indoor Air (ORIA). We recommend that you or your technical representatives reach out to Jon Walsh, one of the scientists in ORIA. His email is [walsh.jonathan@epa.gov](mailto:walsh.jonathan@epa.gov) and office telephone number is (202) 343-9238. We met with Mr. Walsh, so he has some background on the site. Mr. Walsh can provide all the pertinent information on the process to be followed regarding potential gypsum use, point you to the applicable regulations, and provide informative Agency documents on the topic.

Regards,  
Rosemarie A. Kelley, Deputy Director  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
202-564-4014

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**From:** Mackey, Cyndy  
**Sent:** Wednesday, June 07, 2017 12:49 PM  
**To:** Brent de Jong <brent.dejong@castlelake.com>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>  
**Cc:** Brian Zatarain <brian.zatarain@itafos.com>; 'Marten Walters' <marten.walters@itafos.com>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>  
**Subject:** RE: Miss Phos - Agenda For Today's MPC Technical Call

**Brent:**

Below is a proposed agenda for today's MPC Technical Call:

**Agenda: June 7 Call at 5:30 pm Regarding MPC Site - Call with Brent de Jong and Technical Staff**

1. DJC folks provide background on the following issues including what the issue is, where it stems from and what DJC is seeking
  - a. ■ Deepwater injection
  - b. ■ Rolling Average Rainfall Test
  - c. ■ Water Level Management
  - d. ■ Treatment of Water From DAP scrubber
2. Government follow-up questions, clarifications (if any), responses (if any)

### 3. Next Steps

- a. Follow-up on technical issues if government teams needs to discuss internally based on today's discussion
- b. Set up subsequent global discussion on where we are on all issues, DJC feedback from Board, steps necessary to get to agreement
- c. Follow-up as separate action item further discussions regarding Gypsum reuse with appropriate folks from program offices

*Cyndy Mackey*

Director, Office of Site Remediation Enforcement  
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)  
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460  
202 564-8206 (Direct Line)  
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Ex. 6 Office Cell)

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**From:** Brent de Jong [<mailto:brent.dejong@castlelake.com>]  
**Sent:** Tuesday, June 06, 2017 4:26 PM  
**To:** Mackey, Cyndy <[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Cc:** Brian Zatarain <[brian.zatarain@itafos.com](mailto:brian.zatarain@itafos.com)>; 'Marten Walters' <[marten.walters@itafos.com](mailto:marten.walters@itafos.com)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Subject:** RE: Miss Phos feedback

Ok – thanks – speak to all then.

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**From:** Mackey, Cyndy [<mailto:Mackey.Cyndy@epa.gov>]  
**Sent:** Tuesday, June 06, 2017 2:55 PM  
**To:** Brent de Jong; Brown, Byron; Fotouhi, David  
**Cc:** Brian Zatarain; 'Marten Walters'; Kelley, Rosemarie  
**Subject:** RE: Miss Phos feedback

Brent:

To respond to the technical questions you raised in your May 23 email below, I am planning to invite people from EPA Headquarters, Region 4, DOJ and the State to participate in tomorrow's call. This includes the following people:

- EPA Headquarters: Cyndy Mackey, Rosemarie Kelly, Helena Healy, Pete Raack
- EPA Region 4: Sean Ireland (Water technical lead), Alan Annicella (RCRA technical lead), Marshall Binford (ORC), Joan Redleaf-Durbin (ORC)
- DOJ: Ken Long
- State of Mississippi: To be determined

Please let me know if you have any questions or concerns about tomorrow's call at 5:30 EST. The conference line number is: Ex. 6 Conf Code: Ex. 6

*Cyndy Mackey*

Director, Office of Site Remediation Enforcement  
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460  
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**From:** Brent de Jong [<mailto:brent.dejong@castlelake.com>]  
**Sent:** Tuesday, June 06, 2017 12:15 PM  
**To:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Mackey, Cyndy <[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Cc:** Brian Zatarain <[brian.zatarain@itafos.com](mailto:brian.zatarain@itafos.com)>; 'Marten Walters' <[marten.walters@itafos.com](mailto:marten.walters@itafos.com)>  
**Subject:** RE: Miss Phos feedback

Great – thanks.

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**From:** Brown, Byron [<mailto:brown.byron@epa.gov>]  
**Sent:** Tuesday, June 06, 2017 10:52 AM  
**To:** Brent de Jong; Mackey, Cyndy; Fotouhi, David  
**Cc:** Brian Zatarain; 'Marten Walters'  
**Subject:** RE: Miss Phos feedback

Hi Brent – yes, we can do 5:30 pm on Wednesday. Here is the conference call information: Call in number **Ex. 6**  
**Ex. 6** Conf Code: **Ex. 6**

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**From:** Brent de Jong [<mailto:brent.dejong@castlelake.com>]  
**Sent:** Monday, June 5, 2017 7:40 PM  
**To:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Mackey, Cyndy <[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Cc:** Brian Zatarain <[brian.zatarain@itafos.com](mailto:brian.zatarain@itafos.com)>; 'Marten Walters' <[marten.walters@itafos.com](mailto:marten.walters@itafos.com)>  
**Subject:** RE: Miss Phos feedback

If it is possible to do it later in the day e.g. 5:30 or 6 pm would be great as I am in Asia this week. But if not, lets leave it.

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**From:** Brown, Byron [<mailto:brown.byron@epa.gov>]  
**Sent:** Monday, June 05, 2017 2:53 PM  
**To:** Brent de Jong; Mackey, Cyndy; Fotouhi, David  
**Cc:** Brian Zatarain; 'Marten Walters'  
**Subject:** RE: Miss Phos feedback

Hi Brent – will Wednesday at 4 pm (eastern) work for you and your technical team for a follow up call?

Byron R. Brown  
Deputy Chief of Staff for Policy  
Office of the Administrator  
U.S. Environmental Protection Agency

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**From:** Brent de Jong [<mailto:brent.dejong@castlelake.com>]  
**Sent:** Friday, June 2, 2017 10:59 AM  
**To:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Mackey, Cyndy <[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Cc:** Brian Zatarain <[brian.zatarain@itafos.com](mailto:brian.zatarain@itafos.com)>; 'Marten Walters' <[marten.walters@itafos.com](mailto:marten.walters@itafos.com)>  
**Subject:** RE: Miss Phos feedback

Can you do 3:30 pm EST today? Otherwise next week early in the day Tuesday or Wednesday work as well.

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**From:** Brown, Byron [<mailto:brown.byron@epa.gov>]  
**Sent:** Tuesday, May 30, 2017 10:03 AM  
**To:** Brent de Jong; Mackey, Cyndy; Fotouhi, David  
**Cc:** Brian Zatarain  
**Subject:** RE: Miss Phos feedback

Hi Brent – you indicated your technical team would be available for a call this afternoon. Do you have a specific time in mind, and are there any other times in the next week that would also work for a technical call?

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**From:** Brent de Jong [<mailto:brent.dejong@castlelake.com>]  
**Sent:** Tuesday, May 23, 2017 9:37 AM  
**To:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Mackey, Cyndy <[Mackey.Cyndy@epa.gov](mailto:Mackey.Cyndy@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>  
**Cc:** Brian Zatarain <[brian.zatarain@itafos.com](mailto:brian.zatarain@itafos.com)>  
**Subject:** Miss Phos feedback

EPA Team,

As discussed on the last call, I spent more time with the Itafos team and can provide you feedback on what we need upfront for on site management:

1. Deepwater injection (as discussed previously)
2. Rolling average rainfall test instead of single event
3. Ability to bring down water levels / increase freeboard in anticipation of upcoming bad weather
4. Treatment of water from DAP scrubber ... is it Beville excluded or not? We would like to comingle as it is much better environmentally - the ammonia in the DAP scrubber water raises the pH of the water coming from the phosacid plant.

Additionally we had some further thoughts for Gypsum stack and use of materials:

1. Roadbed (as discussed previously)
2. Landfill cover - it helps the bugs grow to breakdown refuse
3. Agricultural uses e.g. peanut farms work well up to 25 pCi/g (increase limit from 10)
4. Export

Our technical team can do a call on Tuesday May 30<sup>th</sup> in the afternoon.

Thanks,

**Brent de Jong | Castlelake**

Partner

4600 Wells Fargo Center | 90 South 7th Street | Minneapolis, MN 55402

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[www.castlelake.com](http://www.castlelake.com)

