

Message

From: Kelly, Albert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08576E43795149E5A3F9669726DD044C-KELLY, ALBE]
Sent: 10/25/2017 7:11:29 PM
To: Kevin Murray [KRMurray@hollandhart.com]
Subject: RE: Superfund task force - CERCLA efficiency

Thank you for the inquiry. We are still in the development of critical pathway mode. However, we are seeing the use now of the PPAs and you are correct it is a proper and great idea. I will keep you advised as we proceed to completion on your other inquires. Please call or email anytime

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Ex. 6

From: Kevin Murray [mailto:KRMurray@hollandhart.com]
Sent: Wednesday, October 25, 2017 3:00 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: Superfund task force - CERCLA efficiency

Albert

I hope you are doing well. I have appreciated the Task force recommendations and the administrator's focus on this issue. Is there any further information on:

- The numerous references to written agency directives on the various recommendations
- The list of NPL sites to target for completion,
- Has there been any movement on the re-use of Prospective purchaser agreements (great idea) and the revised model comfort letter (redevelopment is a central portion of my practice and this would be huge), and
- Who will be asked to be on the advisory committee discussed in recommendation 42

Thanks again for your time and work on this matter.

Kevin

Kevin R Murray
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From: Kevin Murray
Sent: Tuesday, June 06, 2017 5:07 PM
To: 'Kelly, Albert'
Subject: RE: Superfund task force - CERCLA efficiency

Albert

I appreciated speaking with you last week. As you may recall, I mentioned that one of the things I believe would make CERCLA more efficient would be the ability to get to a remedy decision quicker. I remain convinced that this is not a statutory amendment but rather a rule modification. One possible avenue is the use of a study focused solely on limited remedial alternatives where the remedy is obvious perhaps because (i) there are limited options or (ii) certain facts dictate an obvious solution. This concept already exists within EPA guidance. "Site-specific data needs, the evaluation of alternatives, and the documentation of the selected remedy should reflect the scope and complexity of the site problems being addressed." 40 C.F.R. § 300.430(a)(1)(ii)(C). Additionally, EPA has indicated that "[a] more streamlined analysis during an RI/FS may be particularly appropriate" when site problems are straightforward; when ARARs, guidance or program precedent indicate a limited range of appropriate response alternatives; and when many alternatives are clearly impracticable due to severe implementability problems or prohibitive costs. 55 Fed. Reg. 8704.

This is often referred to as a focused Remedial Investigation (RI), focused Feasibility Study (FS), or the like; however, I do not believe that the concept of a focused RI or FS currently exists in the NCP or other rules and therefore lacks a clear definition. The possibility of performing a focused RI or FS where the parties would agree to and identify the remedial action alternatives to be considered for the site and then all subsequent analysis would focus on just those alternatives, could improve efficiency. For example the procedure would allow the parties to eliminate the development and screening of all remedial alternatives, or, in the RI scenario, shorten data gathering needs and potentially report preparation.

The devil is always in the details, but I believe this concept is valid.

Kevin

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From: Kelly, Albert [<mailto:kelly.albert@epa.gov>]
Sent: Wednesday, May 31, 2017 7:32 AM
To: Kevin Murray
Subject: RE: Superfund task force

Why don't you call me when you free up after 330 your time. Will that work?

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Ex. 6

From: Kevin Murray [<mailto:KRMurray@hollandhart.com>]
Sent: Wednesday, May 31, 2017 9:25 AM
To: Kelly, Albert <kelly.albert@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: Superfund task force

If these times do not work I may be able to rearrange some time before 11 today.

regards,

Kevin

Ex. 6

Sent from my iPhone

On May 31, 2017, at 6:50 AM, Kevin Murray <KRMurray@hollandhart.com> wrote:

I would welcome the opportunity to chat. I am available Today 11:30 to 2:30 or after 3:30. Tomorrow before 12, Friday anytime. (Mountain Time).

regards,

Kevin

Ex. 6

Sent from my iPhone

On May 31, 2017, at 5:54 AM, Kelly, Albert <kelly.albert@epa.gov> wrote:

Hello Mr. Murray. Perhaps we can visit at your convenience. Please give me some available times.

Sent from my iPad

On May 31, 2017, at 7:41 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Thank you, Kevin. I am copying in Mr. Kelly, who is in charge of the Task Force and can respond to the inquiry. Thank you so much for the interest.

From: Kevin Murray [<mailto:KRMurray@hollandhart.com>]

Sent: Tuesday, May 30, 2017 5:33 PM

To: Dravis, Samantha <dravis.samantha@epa.gov>

Subject: RE: Superfund task force

Samantha

Bill Myers sent my resume to you last week indicating an interest that I expressed at serving on the Superfund Task Force. I would indeed like the opportunity to do so. In addition to my bio that Bill forwarded to you, I have attached a recent speaker bio that may be of use. Please let me know if you have any questions, or if there is any other information I could provide.

Regards,

Kevin

Kevin R Murray

Partner

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