

From: [Schmerber, Bryan](#)
To: [Schmerber, Bryan](#)
Subject: RE: Security and Widefield Drinking Water Mitigation- Items Requested for Review
Date: Friday, February 01, 2019 3:02:14 PM

From: Simpleman, Douglas P CIV USARMY CENWO (US) <Douglas.P.Simpleman@usace.army.mil>
Sent: Tuesday, January 08, 2019 7:06 AM
To: Nina Ruiz <NinaRuiz@elpasoco.com>; Wemmert, Bill <bill.wemmert@aecom.com>; Hodgson, Brock <brock.hodgson@aecom.com>
Cc: 'sharon.stone (sharon.stone@us.af.mil)' <sharon.stone@us.af.mil>; 'Britt Grunewald (britt.grunewald@us.af.mil)' <britt.grunewald@us.af.mil>; Frehse, Jessica L CIV USARMY CENWO (USA) <Jessica.L.Frehse@usace.army.mil>; Wight, Brian <brian.wight@aecom.com>; Barto, Aric <Aric.Barto@aecom.com>; Berzins, Sean <sean.berzins@aecom.com>
Subject: RE: Security and Widefield Drinking Water Mitigation- Items Requested for Review

Nina,

There is no letter. It is the Code of Federal Regulations. 40 CFR 300.400 (e) (1) No federal, state, or local permits are required for on-site response actions conducted pursuant to CERCLA sections 104, 106, 120, 121, or 122.

On-site has been further defined to be essentially "in the plume".

There are two provisions in CERCLA that apply to the question of paying a fee for an access permit or right of entry. CERCLA Section 121(e)(1). In addition, a party that is an owner of a contaminated property is a responsible party under CERCLA Section 107(a)(1) and that party receives a benefit by allowing access for response action work the party would otherwise be liable and responsible for itself. In addition, per CERCLA Section 107(q)(1)(d) a party that owns a property above a groundwater plume may be required to conduct groundwater monitoring, investigation, and/or remediation if they do not cooperate by allowing access for the conduct of investigations or remediation and not interfering with necessary response actions on the property, even if that land is NOT a source area for the groundwater contamination.

Doug Simpleman
Project Manager (PMP)
1616 Capitol Ave.
Omaha, NE 68102-4901
402-995-2753

-----Original Message-----

From: Nina Ruiz [<mailto:NinaRuiz@elpasoco.com>]
Sent: Monday, January 07, 2019 6:32 PM
To: 'Wemmert, Bill' <bill.wemmert@aecom.com>; 'Hodgson, Brock' <brock.hodgson@aecom.com>
Cc: 'sharon.stone (sharon.stone@us.af.mil)' <sharon.stone@us.af.mil>; 'Britt Grunewald (britt.grunewald@us.af.mil)' <britt.grunewald@us.af.mil>; Simpleman, Douglas P CIV USARMY CENWO (US) <Douglas.P.Simpleman@usace.army.mil>; Frehse, Jessica L CIV USARMY CENWO (USA) <Jessica.L.Frehse@usace.army.mil>; 'Wight, Brian' <brian.wight@aecom.com>; 'Barto, Aric' <Aric.Barto@aecom.com>; 'Berzins, Sean' <sean.berzins@aecom.com>
Subject: [Non-DoD Source] RE: Security and Widefield Drinking Water Mitigation- Items Requested for Review

Hello,

We are wondering if you may be able to get us the CERLCA letter in advance of the meeting. This would be the letter outlining how the project is exempt from obtaining any and all permits from the local jurisdiction. I think it

will be very informative for all of the various agencies that will be present.

Thank you!

Nina

From: Nina Ruiz
Sent: Thursday, January 03, 2019 2:30 PM
To: 'Wemmert, Bill'; 'Hodgson, Brock'
Cc: 'sharon.stone (sharon.stone@us.af.mil)'; 'Britt Grunewald (britt.grunewald@us.af.mil)'; 'douglas.p.simpleman@usace.army.mil'; 'Frehse, Jessica L CIV USARMY CENWO (US) (Jessica.L.Frehse@usace.army.mil)'; 'Wight, Brian'; 'Barto, Aric'; 'Berzins, Sean'
Subject: Security and Widefield Drinking Water Mitigation- Items Requested for Review

Hello,

I hope everyone had a wonderful New Year! As we discussed, we have a tentative list of items we would like to review for your project. Here it is:

We understand that you may want to discuss these items in detail at our meeting in a couple of weeks. Let me know if any other questions come up in the meantime.

Nina Ruiz

Planner II

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PERSONAL WORK SCHEDULE
Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm