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***Elizabeth Tisdahl***  
***Mayor***

**Via Electronic and Regular Mail (Kaplan.robert@Epa.gov)**

March 4, 2016

Robert A. Kaplan  
Acting Region 5 Administrator  
USEPA REGION 5  
77 West Jackson Boulevard, Mail Code: R-19J  
Chicago, IL 60604-3507

**Re: City of Evanston's SECOND Request to the US EPA  
for a Meeting Regarding the Dodge Avenue Water  
Line, Evanston, Illinois**

Dear Mr. Kaplan:

I write again on behalf of the City of Evanston, Illinois in follow-up to the Amended Notice of Intent to Sue under RCRA, CERCLA, *et al.* dated February 22, 2016 (the "Amended NOITS"), the City's September 25, 2015 correspondence to Ms. Susan Hedman, then Region 5 Administrator (the "Hedman Letter"), the City's email addressed to Leveret Nelson, Regional Counsel, U.S. EPA Region 5 dated February 12, 2016 (the "Nelson Email") and "Drinking Water and Internal Pipe Crust Results - Detected VOCs and SVOCs Water and Internal Crust Samples from Sites Near Dodge Avenue Water Main Replacement Project [in the City of Evanston]" and associated Laboratory Reports (the "Drinking Water Data").

The Hedman Letter, Nelson Email and Drinking Water Data were referenced in, and enclosed as Attachments 5, 6 and 7 to the Amended NOITS. A copy of the

Amended NOITS (without attachments) is enclosed as **Exhibit A**.

You, and your predecessor, were informed as follows:

1. A crustaceous material containing benzo(a)pyrene, and other contaminants associated with Coal Tar, is present on the inside and outside of the Dodge Avenue Water Line in the City of Evanston. The 2015 and 2016 Hendron Reports, Attachments 3 and 4 to the Amended NOITS, respectively, confirmed that Coal Tar coats and penetrated the Dodge Avenue Water Line.
2. An abandoned pipe (the "Unidentified 24-inch Pipe") that was used to distribute gas manufactured by the Skokie Manufactured Gas Plant Site ("Skokie MGP") runs above the Dodge Avenue Water Line. The 2016 Hendron Report describes the location of the Pipe in Dodge Avenue (in three locations) and Oakton Street (in one location).
3. The 2015 Hendron Report, 2016 Hendron Report and Drinking Water Data confirm a common chemical "finger print" between (i) the Coal Tar coating the outside of the Unidentified 24-inch Pipe, (ii) the Coal Tar inside the Pipe, (iii) the Coal Tar in soil and groundwater in and around Dodge Avenue and Oakton Street, (iv) the Coal Tar coating the outside of the Dodge Avenue Water Line, (v) the Coal Tar that has penetrated the Water Line and (vi) the constituents of Coal Tar, specifically fluoranthene and phenanthrene, that are present in drinking water in the Water Line.

Since September 25, 2015, you and your predecessor have known that Coal Tar penetrated the Dodge Avenue Water Line. Since February 12, 2016, Attorney Nelson, Regional Counsel at Region 5, has known that fluoranthene and phenanthrene, constituents of Coal Tar, are present in the City's drinking water. You were informed of this fact in the Amended NOITS.

On November 19, 2015, we received a dismissive two-sentence email from Tom Poy, Chief, Ground Water and Drinking Water Branch at Region 5. (The Poy email was enclosed with the Nelson Email). Poy, without notifying the City's Law Department, spoke to an employee of the City who has limited knowledge of this situation. However,

somebody at Region 5 spoke with in-house counsel at Nicor. Poy "concluded" from this cursory telephone restricted "investigation" that there was no problem and a meeting with the City was not required. As a result of the EPA's inaction to date, it is clear that:

- The EPA refused to submit a formal written response to our September 25, 2015 letter.
- The EPA failed to investigate whether Coal Tar seeped into the Dodge Avenue Water Line in other locations.
- The EPA refused to request information from Nicor or ComEd concerning the locations of their abandoned pipes and whether "leakage" of Coal Tar occurred elsewhere.
- As of this writing, Region 5 failed to properly assess these issues or respond to the City's inquiries.

We conclude from your inaction that Region 5 intends to remain passive and unresponsive. This is unacceptable. I request a meeting with you to discuss this urgent situation. This meeting must occur no later than March 25, 2016. Your office is to contact the City of Evanston's Corporation Counsel at 847.866.2937 to schedule this meeting.

Very truly yours,



Elizabeth Tisdahl  
Mayor

Cc w/out Encl: Members of the Evanston City Council  
Wally Bobkiewicz, City Manager  
The Honorable Richard J. Durbin, United States Senator  
The Honorable Daniel Biss, Illinois State Senator  
The Honorable Jan Schakowsky, United States Congresswoman  
The Honorable Robin Gabel, Illinois State Representative  
The Honorable Larry Suffredin, Cook County Commissioner  
W. Grant Farrar, Corporation Counsel, City of Evanston