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bcc  
Subject Koch's letter dated August 5, 2005

AnnieLaurie:

EPA is in receipt of Koch Nitrogen Company's (KNC's) August 5, 2005, submittal.

By now KNC should have received EPA's letter dated August 1, 2005. In that letter, EPA states that the spill KNC reported is considered an Area of Concern (AOC) and will require investigation under the Part II portion of KNC's permit. The letter goes on to state, "In accordance with Permit Conditions C.3., and C.4., EPA is notifying KNC that a work plan is necessary to describe the investigation for this AOC." As required by Permit Condition C.14., all work plans need to be reviewed and approved prior to any commencement of work. KNC's August 5, 2005, letter states, "KNC will conduct the sampling and analysis described within the attached Plan within approximately one (1) week of the date of this letter in order to obtain samples that are relatively contemporaneous with the incident." If KNC chooses to proceed without an EPA-approved work plan, it does so at its own risk.

EPA asked in its August 1, 2005, letter that KNC include the new "AOC" in the Field Sampling Plan, which includes a Sampling and Analysis Plan, as well as a Quality Assurance Project Plan.

If you have any questions regarding this e-mail, please contact me at the number listed below.

Sincerely,

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