



From: Wear, Benjamin, NMENV
To: Cobrain, Dave
Subject: Today's Shallow Soil Vapor Monitoring Plan meeting
Date: Wednesday, January 6, 2021 4:50:00 PM

Dave,

I just wanted to let you know how the meeting went today.

When the meeting started, Mark Stapleton requested that he be allowed to record the meeting. I immediately sent an email to Kevin and Stephanie stating that this was a bad precedent, that our lawyers would likely not be happy about this. Kevin and Stephanie both agreed with the recording. I then emailed again stating that the request to record should have happened prior to the meeting and that I would not be providing much input since it was being recorded. At that point, Kevin asked Mark Stapleton to stop recording. We cannot verify whether he was recording the meeting or not, which is another problem with these MS Teams meetings.

In addition, Kate Lynnes laid out how they wanted the meeting to run, which was that they would go through their presentation step by step and that if we had issues with what they were presenting, that we had to speak up then or they would assume that we agreed with them. This is not how meetings should be conducted, but Kevin agreed. Therefore, I was forced to speak up on many misrepresentations of data, unsupported assumptions, and the biased presentation of information during the presentation. This tended to derail the presentation, which seemed to cause Mark Stapleton to become more angry and aggressive and to make ridiculous claims that are only supported by the fact that he "doesn't agree" with the data.

Later, I explained to Kate that they were required to respond to the NOD and provide a revised work plan. Kate disagreed with my assessment and stated that she, Stephanie, and the Secretary have been having conversations about this, so she didn't see our direction in the NOD as a requirement. She then proposed sending in a "conceptual outline", to which Kevin quickly agreed to. I quickly sent an email to KP and SS stating that this was not appropriate and we needed a work plan. KP then tried to backtrack and stated that he was not saying that they didn't need to submit a work plan. But, he still went along with the "conceptual outline". Kate stated that after we agree on the conceptual outline, then they could just reference that in the work plan. I chimed in and told Kate that justification for all proposed actions and decisions must be provided in the work plan, to which she agreed.

Had Lane and I not been in the meeting, I am afraid of the decisions that might have been made.

Thanks,

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