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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-127

JUL - 2 2010

Certified Mail Number 7009 2250 0001 6624 1993 - Return Receipt Requested

James Cagle, Risk Manager - EHS
Nu-West Industries, Inc.
Agrium Conda Phosphate Operations
310 Conda Road
Soda Springs, Idaho 83276

Re: EPA Approval of Revised Sampling and Analysis Work Plan for Site Characterization Nu-West Industries, Inc. Conda Phosphate Operations, Soda Springs, Idaho, dated June 29, 2010; EPA Docket No. RCRA-10-2009-0186

FILE COPY

Dear Mr. Cagle:

The purpose of this letter is to approve the Revised Sampling and Analysis Work Plan submitted to EPA on July 1, 2010, pursuant to the Administrative Order on Consent (Order), Docket No. RCRA-10-2009-0186, as modified below.

On page 68, Section 13 - Project Schedule, the word "approximately" is removed from the fourth paragraph and replaced with the word "within" so that the paragraph reads as follows:

> The Site Assessment Report and Supplemental Work Plan will be submitted to the appropriate parties within 240 days following EPA's approval of this Work Plan.

As indicated in our comment letter to Nu-West dated February 8, 2010, EPA stated that a tentative, preliminary, approximate or estimated schedule does not provide a site specific schedule for expeditious completion of all activities and would not be approved. The Order does include a Force Majeure provision. In addition, schedules can be adjusted under the Order, when appropriate, upon the approval of the Project Coordinators.

If you have any questions, feel free to call me at (206) 553-2964. Alternatively, you may reach me via email at: Magolske.Peter@epamail.epa.gov. Thank you.

Sincerely,

Peter Magolske
Office of Compliance and Enforcement

cc: P. Scott Burton, Esq. Hunton and Williams LLP
Brian Monson, IDEQ

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